



ANNUAL SECURITY REPORT 2023



2023 Annual Security Report

Containing Information for the 2023-2024 Academic Year

From the Chief of Police:

As we enter a new academic year, The University of Alabama in Huntsville (UAH) Police Department continues to work hard to provide a campus that is reasonably safe and conducive to the goals of education and research. However, like most universities, we share many of the same challenges that exist in the surrounding community. While it doesn't happen as often, crime is one such concerning issue.

In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*--20 USC § 1092(f), this report prepared by the UAH Police Department includes information about security related policies and programs along with statistics reflecting reported Clery crimes from the last three calendar years.

Each year, an e-mail notification is made to all enrolled students, faculty, and staff that provides the web site link to access this report. Printed copies may be obtained at the University Police Department during normal business hours. Prospective students and employees may also view this report, and the fire safety report, by following the webpage link <http://www.uah.edu/safety> or by visiting the University Police Department in person.

I hope you will join us in our efforts to keep the campus as safe as possible by taking responsibility for your own personal security.

Brian R. Cozby
Chief of Police

2023 Annual Security Report

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INTRODUCTION

In accordance with the federal regulations of the Campus Security Act of 1990, as amended by the Higher Education Opportunity Act of 2008 and Section 304 of the Violence Against Women Act (VAWA) in 2013, UAH publishes an Annual Security Report that contains security-related policies and procedures and certain required crime statistics for the three most recent calendar years. This information is made available to enrolled students and current employees, as well as to prospective students and employees. The Annual Security Report informs our prospective and current students, faculty, and staff of the general procedures for reporting crimes both on and off campus and includes tips on preventing theft of property and crimes of violence, including physical and sexual assaults. Publication of this document is coordinated by the UAH Police Department.

In compliance with 1998 amendments to the Campus Security Act (also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act) and Department of Education regulations, the crime statistics published in this report illustrate: 1) the reporting of crime categories as specified below, 2) the reporting of specified hate crimes by category of bias against the victim (race, gender, religion, sexual orientation, ethnicity, national origin, gender identity and disability) and, 3) the reporting of arrests and student conduct referrals for disciplinary action as specified below. Each of these statistical categories are further broken down by specific geographic areas. These are: **On-Campus** (includes **On-Campus Student Residential Facilities**), **Non-Campus Property**; and **Public Property** (includes public streets and sidewalks within the campus boundaries or immediately adjacent to it).

The University Police Department makes an annual request to local law enforcement for crime statistics recorded in the **public areas** within the campus boundaries or immediately adjacent to campus. Requests are also made to law enforcement at non-campus locations where there are short stay-away student trips for the times the locations are used by students. These are added to the crime statistics table annotated in this report.

The Annual Security Report includes crime statistics for the following categories of crimes, as reported to the UAH Police, other Campus Security Authorities, and The Huntsville Police Department: Criminal Homicide which includes Murder, Non-Negligent Manslaughter & Negligent Manslaughter; Sex Offenses, which includes Rape, Fondling, Incest, and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Dating Violence; Domestic Violence; and Stalking. The report also includes statistics of hate crimes associated with these offenses: Larceny/Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property or other crimes involving bodily injury. Also included are arrests and conduct board referrals for violations of the following: liquor laws, drug laws, and weapons laws.

The Fire Safety Report is available at:

https://www.uah.edu/images/administrative/police/safety/annual_fire_report.pdf



OVERVIEW OF THE UNIVERSITY

The University of Alabama in Huntsville is one of the nation's premier research universities, offering a challenging hands-on curriculum that ensures our graduates are prepared to become tomorrow's leaders.

UAH is a public university within a nearly 500-acre campus. With 8,743 students and over 2,100 employees, it's a small city within a city. Located in Huntsville, Alabama, at the southern foothills of the Appalachian Mountains, Huntsville is also known by its nickname "*The Rocket City*", because of the important role it played in the nation's earliest space missions.

The University boasts 17 high-tech research centers and labs, and serves as the anchor tenant for Cummings Research Park, the second-largest research park in the nation. It also maintains strong partnerships with federal, state, and local agencies, commercial industry, and academic and not-for-profit organizations, including but not limited to: the U.S. Army, NASA's Marshall Space Flight Center, the DoD's Missile Defense Agency, the U.S. Defense Intelligence Agency's Missile and Space Intelligence Center, the Federal Bureau of Investigation, NOAA's National Weather Service, the U.S. Space and Rocket Center, the Hudson Alpha Institute for Biotechnology, and many others.

UAH is an open and vibrant campus. University academic and business facilities are generally open to the public during regular business hours. Buildings are locked on outside of normal hours, and at times when the University is closed. Only authorized persons affiliated with the individual departments housed inside may have access during

non-business hours when facilities are locked. Residence halls are locked with card access.

UAH Facilities and Operations (F&O) maintains the University's academic, residential, and recreational buildings and grounds, with careful attention to repairing nonfunctional lighting, broken windows, and locks. The UAH Police Department helps F&O by reporting potential safety and security hazards when discovered.

All persons who come to campus are expected to obey laws and University policies related to safety and security. Those who fail to comply are subject to arrest, issuance of a criminal trespass warning, and in the case of students, disciplinary action through the Student Conduct Board.

LAW ENFORCEMENT ON CAMPUS

The University Police Department

The UAH Police Department (UAH PD) is a subunit within the Finance and Administration division. The Department is a full-service, state law enforcement agency located at 501 John Wright Drive inside the first level of the Intermodal Facility (parking garage). The Department is open twenty-four hours a day, seven days a week, including weekends, holidays, and semester breaks. UAH PD is the preferred receiver of crime reports.



The Department's Mission

The Department's mission is to serve and support UAH by recognizing the ever-changing needs of a growing university and the role its police department has in addressing those needs. To that end, the department pledges EXCELLENCE, INITIATIVE, and INTEGRITY while fulfilling its fundamental duties to preserve the peace, reduce criminal opportunity, and promote a quality of life that is conducive to learning and working.

Responsibilities

Primarily responsible for protecting the life and property of people on the UAH campus, officers patrol the campus on a 24-hour basis and provide a full range of public safety services including:

- Patrolling campus streets, parking areas, public streets running through and adjacent to the campus, as well as nearby neighborhoods.
- Providing first response to on-campus medical emergencies.
- Investigating criminal incidents and making every reasonable effort to identify the offenders.
- Enforcing state and local traffic laws along with investigating and documenting motor vehicle accidents.
- Maintaining and controlling the primary building access control system.
- Coordinating security for University sponsored on-campus events.
- Providing crime prevention and security presentations.
- Maintaining a 'Lost and Found' repository.
- Offering fingerprinting service for individuals who must submit fingerprint cards for background checks, licenses, employment, etc. Storage of firearms and other weapons for resident students living on campus.
- Providing on-campus safety escorts when the service is available.

POLICE AUTHORITY

Code of Alabama (1975) §16-47-10: Police Officers - Appointed by President; Powers and Duties Generally

*The President of the university may appoint or employ one or more suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property of the university. Such persons shall be charged with all the duties and invested with all the powers of police officers. The officer may eject trespassers from the university buildings and grounds. **The officer may, without warrant, arrest persons who commit disorderly conduct, or trespasses on the property of the institution, or in any circumstance in which an arrest by a police officer without a warrant is authorized by law,** and carry them before the nearest district court or municipal court charged with the trial of such offenders. Upon proper affidavit charging the offense, the person arrested may be tried by the court and convicted as in case of persons brought before the court on a warrant.*

Law Enforcement Jurisdiction

Code of Alabama (1975) §16-47-11: Police Officers – Extended Jurisdiction

A police officer appointed pursuant to the provisions of this section, is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such police or peace officer shall be the enforcement of the law on property owned or leased by the institution of higher education employing said peace officers;

Training

Officers are professionally trained and certified in accordance with the Alabama Peace Officers Standards and Training Council (APOSTC). Each officer must attend state-mandated, continuing in-service training taught by certified police instructors and subject matter experts from around the country. Topics include, but are not limited to: legal updates; arrest, search and seizure procedures; rules of evidence; community relations; first aid; CPR/defibrillator recertification; use of force (includes proficiency training with lethal and non-lethal weapons); tactical maneuvering such as that used for a response to an active shooter incident; drug identification; and many others.

RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

The UAH campus is located geographically within the City of Huntsville, Alabama. Therefore, Huntsville Police Officers have concurrent jurisdiction on the campus. Through a ***Memorandum of Understanding*** with the Huntsville Police Department (HPD), *UAH officers shall have initial and primary jurisdiction to investigate crimes occurring on campus. However, the UAH Chief of Police may request assistance from the Huntsville Chief of Police, asking for the deployment of available specialized units and investigative personnel. HPD may also assume primary investigative responsibility for major criminal incidents if deemed necessary.* HPD provides statistics for reportable criminal activity at non-campus locations.

The prosecution of all criminal offenses committed on campus is conducted in the Federal District Court of Northern Alabama for federal felonies or misdemeanors, the state circuit or district courts of Madison County for state felonies or misdemeanors, or the Huntsville municipal court for breaches of municipal ordinances. The UAH PD maintains a cooperative working relationship with other state and surrounding local agencies and senior leaders hold active memberships in both state and national campus law enforcement associations.

National Crime Information Center (NCIC)

The UAH PD has an authorized NCIC terminal for official use during criminal investigations. It allows the department to check persons for criminal histories and active arrest warrants, and to verify vehicle registrations and driver license validity. It also provides real-time criminal intelligence that is made available from federal, state, and local law enforcement agencies nationwide regarding serious crimes, reported stolen vehicles, missing persons and other matters.

REPORTING CRIMINAL INCIDENTS AND OTHER EMERGENCIES

The University encourages students, employees, and visitors to promptly contact the UAH Police Department to report any violation of law, potential criminal incident, suspicious behavior, on-campus motor vehicle accidents, or medical emergencies. The preferred receiver of reports is the UAH Police Department.

For violations of law that occur off campus, people should file a report with the Huntsville Police Department or the appropriate law enforcement agency having jurisdiction where the alleged criminal act took place. Reporting a crime does not mean you must press criminal charges against a suspected violator. However, doing so may help law enforcement stop further incidents and help them keep the community better informed about criminal activity.

To file a police report in person, an individual should go to the UAH Police Department, located in the Intermodal Facility at 501 John Wright Drive.

You may also call the Department anytime and an officer will be dispatched to your location. The same actions should be followed to report a fire, medical emergency, or motor vehicle accident, occurring on or near the campus.

For a non-emergency report by phone, call **256-824-6596**. Be prepared to describe the situation to the police dispatcher. For more urgent situations, including fires and medical emergencies, call **911** or UAH PD at **256-824-6911**.

NOTE: All 911 calls made from campus office phones or emergency call box stations, go directly to the UAH Police Communications Center. All cell phone 911 calls are answered by the Huntsville - Madison County 911 Center, and will be routed to the UAH PD.

Reports Using Emergency Two-Way (Blue Light) Call Boxes

The University has several emergency two-way (blue light) phones. By pressing the red button, users can communicate directly with the UAH Police Communications Center. They are located on each level of IMF (the parking garage), John Wright Drive near IMF and John Wright Drive near Charger Village.

Reports Using RAVE Guardian

The University offers all students, faculty, and staff the opportunity to download the personal safety RAVE Guardian application to their cellular phone. If downloaded, the app has various “tiles” on the main screen including a tile labeled, “Call UAH Police Department” which connects the caller directly with UAH PD. Individuals may also make a report using the “Submit Tip” tile that accepts anonymous tips.

MAKING A REPORT TO A CAMPUS SECURITY AUTHORITY (CSA)

The preferred receiver of reports is the UAH Police Department.

In cases where an individual does not want to speak with law enforcement (UAH PD is the preferred receiver of reports), a victim or witness of a crime may speak with a CSA on a voluntary, confidential basis.

In addition to the UAH Police Department, Campus Security Authorities include, but are not limited to:

- Any individual or individuals who have responsibility for campus security but are not employees of the UAH Police Department.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- Any official at UAH who has significant responsibility for student and campus activities,
- Anyone responsible for student housing, student discipline and/or campus judicial proceedings.

Examples of CSAs at UAH include:

- Title IX Coordinator and Deputy Title IX Coordinators
- Associate Vice President for Human Resources
- Vice President and Assistant Vice President for Student Affairs
- Dean of Students and Assistant Dean of Students
- Executive Director of Residential Living, Assistant Director of Housing Operations and Associate Director of Residence Life
- Director of Student Life
- Director of University Recreation
- Any Resident Director, Resident Assistant or Residence Hall Front Desk Monitor
- Athletic Director, any team head coach or assistant coach, student assistant coaches, volunteer coaches, and athletic trainers
- Nursing staff in the Student Health Center

These officials may encourage a crime victim to speak with law enforcement, but they cannot compel the person to do it. Still, federal regulations require the CSA to document the reported incident for inclusion in the annual disclosure of campus crime statistics. Information about the crime, its location, time date and basic descriptive information are required for the Daily Crime Log. However, no personally identifiable information will be disclosed.

CSA Reporting Form

<https://www.uah.edu/images/administrative/police/crimeincident.pdf>

UNIVERSITY OF ALABAMA IN HUNTSVILLE CAMPUS SECURITY AUTHORITY CRIME INCIDENT REPORT FORM

This form should be completed by those individuals identified as a Campus Security Authority and are required to report information received about "Clery Crimes" pursuant to the 1998 *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*.

The information collected from these forms will be used to prepare a compilation of statistical crime information that will be included in the campus Annual Security Report.

It is the policy of the University of Alabama in Huntsville to ensure that victims and witnesses to crime are aware of their right to report criminal acts to the police, and to report University policy violations to the appropriate office (e.g., student conduct violations to the Office of the Dean of Students). However, if a reporting person requests anonymity, this request must be honored to the extent permitted by law.

Accordingly, no information should be included on this form that would personally identify the victim without his/her consent.

UAH Police will use this form to determine the category of crime and location under which the crime should be reported according to the requirements of the Clery Act. Please forward this completed form via email police@uah.edu and/or fax 256.824.2972.

Report any emergency directly to UAH Police at 256.824.6596.

Brian R. Cozby
Chief of Police
UAH Police Department.
(256)824-6596

Section 1: Campus Security Authority – Identify yourself and the person reporting this to you.

Identify Yourself HERE

Name: _____

Title: _____

Phone Number: _____

Email: _____

Identify Person Reporting Check here if person reporting wishes to remain anonymous

Name: _____ UAH "A" Number: _____

Phone Number: _____

Email: _____

Section 2: Location of the Incident

- If incident occurred inside a building identify building name, floor, and room number.
- If incident occurred outside, describe the nearest street address or intersection, whether on the street, sidewalk, parking lot, or inside a vehicle. Be as specific as possible.

Occurred Inside?

Residence Hall Greek House UAH Building Other

Building name, floor, Room #: _____

Occurred Outside?

Street Sidewalk Park or Sports Field Parking Lot Off Campus

Specific Location Name or Address If known:

Section 3: Description of the Incident

As clearly as possible, describe the incident as reported to you. (Use another blank sheet if needed)

Hate Crime? - Was this crime committed with a bias toward the victim?

Y N Not Sure

Please identify, to the best of your ability, the names and other identifying information of any individuals involved: If Known: Name, UAH A# If Unknown: Sex, Race, Ht, Wt, clothing worn, tattoos or other marks, vehicle description, etc.

Confidential Reporting to Pastoral and Professional Counselors

Under the law, campus pastoral and professional counselors, when acting in their official capacity, are not considered a Campus Security Authority and are not required to report crimes for inclusion in the annual disclosure of campus crime statistics. The University of Alabama in Huntsville encourages its professional staff at the Student Counseling Center if and when they deem it appropriate, to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report. All verified and unverified confidential reports of offenses that meet the reporting criteria as determined by the UAH Police are included in the campus crime statistics. Crimes reported to campus pastoral and other professional counselors, are not included unless the victim chooses to report to one of the other Campus Security Authorities.

DAILY CRIME AND FIRE LOG

(Summary of reported crimes on and around campus and fires in residence halls)

The Police Department maintains an online **Daily Crime and Fire Log** for the past 60 days. A paper copy is available for public inspection at the Police Department. Disclosure of some information may be withheld from the log if the Chief of Police determines it may endanger someone, jeopardize an ongoing criminal investigation, or delay the apprehension of an offender. The online log can be viewed at this link: <http://www.uah.edu/police/daily-log>.

Older **Daily Crime and Fire Log** entries will be made available in person at the police station (501 John Wright Drive) within two business days, upon request.

The **Daily Crime and Fire Log** is a chronological record of all **reported** crimes made to the UAH Police Department or a Campus Security Authority and occurring within the geographical boundaries of UAH. Information includes the nature, date, and general location of each crime, as well as the disposition of any investigation associated with the reported crime. No names of victims, complainants, or witnesses are ever included in the Daily Crime and Fire Log.

MISSING RESIDENTIAL STUDENT PROCEDURES

The missing student procedures applies to all students who reside in on-campus student housing facilities. Every student living in on-campus student housing will be given the opportunity to designate a missing person contact person during room sign-up.

Missing person contacts will be notified by the University within 24 hours of an official determination that the student has been declared missing. Students are encouraged to update their missing person and emergency contact information if it changes. This missing person contact information will be stored confidentially in the Housing Portal and will be accessible only to authorized campus officials.

In the case of a student who is under 18 years of age and not emancipated, the Dean of Students will notify the custodial parent or guardian within 24 hours of the determination that the student is missing for 24 hours. A notification will also be made to any additional contact person designated by the student.

Regardless of whether a student has designated a missing person contact, is above the age of 18, or is an emancipated minor, the UAH Police Department will investigate and attempt to locate the student.

Reporting and Investigation Procedures

A student may be considered to be missing if the student's absence from campus is contrary to his or her usual pattern of behavior and the University has reason to believe

that unusual circumstances may have caused the absence. Such circumstances may include, but are not limited to: a report or suspicion that the student may be a victim of foul play (e.g., a reported abduction); that the student has expressed suicidal thoughts or may be in a life-threatening situation; that the student has exhibited behavior suggesting that the student is unable to care for himself or herself; or that the student is overdue returning to campus and has not been heard from after giving a specific return time to family or friends.

Any individual on campus with information or reason to believe that a student off campus may be a missing person should notify the Police immediately. The UAH PD will gather essential information about the individual from persons with knowledge of the missing student and from University confidential information resources. Police will keep the Dean of Students and other appropriate officials informed of the progress of the search and investigation.

Release of Communications about a Missing Student

The Executive Director of Marketing and Communications is the designated spokesperson for the University. All media inquiries will be forwarded to that individual. The Chief of Police will be consulted prior to any information release from the University so as not to jeopardize any investigation.

CRISIS COMMUNICATIONS

Timely Warning

Timely Warning notices, also known as Crime Alerts, are specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students, employees and visitors whenever there is a Clery Act crime that has been reported that is a serious and ongoing threat so that the campus community members can protect themselves. The Clery Act requires a Timely Warning be issued once it has been determined that a Clery crime occurring on UAH geography is a serious and ongoing threat. A Timely Warning may be issued for non-Clery crimes or for crimes outside of the UAH geography if it's determined to be a serious or ongoing threat to the university. Timely Warnings will be issued to the entire UAH community.

A Timely Warning will not reveal the identities of either victims or reporting persons. Crimes reported to Professional or Pastoral Counselors are confidential and will not result in a Timely Warning.

Timing, Content, and Decision Criteria for Issuing a Crime Alert:

- The Clery Act does not define what is *timely*. However, the warning should be issued as soon as pertinent information is available, because the intent of a Clery Timely Warning is to alert the campus community of a criminal event and any continuing threats that are believed to exist.
- Clery Act regulations do not specify what should be included in a timely warning. However, the warning should include information that would promote actions to encourage security awareness.
- The issuance of a Timely Warning should be decided on a case-by-case basis in light of all of the facts surrounding a crime. These include factors such as the nature of the crime, a continuing danger to the community, and the possible risk of compromising law enforcement efforts to apprehend the suspect(s) if certain information is made public.
- Generally, the Timely Warning should specify the type of reported crime, the time and location where the crime occurred, and specific advice to the community regarding steps to take to avoid becoming a victim of similar crimes. A suspect description may not be included if there isn't a description or the information is too vague to be of use.

The decision to issue a Timely Warning and the content is made by the Chief of Police or his designees, at times after consulting with the Vice President for Finance and Administration and others if necessary.

A Timely Warning can be disseminated campus wide using a variety of methods that may include official UAH email, text messages, phone calls, the RAVE Guardian app, public address systems, the UAH web page, and/or social media such as Facebook and Twitter.

The UAlert system can be used to issue Timely Warnings. Information on the UAlert system and RAVE Guardian, including how to sign up to receive warnings or update your contact information, is at <https://www.uah.edu/ualert> .

Emergency Notification

An Emergency Notification will be issued upon confirmation of a significant emergency or dangerous situation on campus that is an immediate threat to the health or safety of persons on the campus. Confirmation can be made by the UAH Police Department or the UAH Office of Risk Management and Compliance. An Emergency Notification may be issued for a significant emergency or dangerous situation near the campus that has a significant probability of affecting the campus.

An Emergency Notification may be sent to the entire university or a segment of the community when appropriate, as determined by either the UAH Police Department or the UAH Office of Risk Management and Compliance, who will also determine the content of the messages in consultation with the Vice President for Finance and Administration and others as necessary.

The Emergency Notification will be created and issued without delay unless in the professional judgment of the UAH Police Department or the UAH Office of Risk Management and Compliance issuing a warning will compromise the efforts to assist victims, or to contain, respond to or otherwise mitigate the emergency.

At a minimum an Emergency Notification will include the nature and location of the emergency, and when necessary, steps to mitigate risk.

An Emergency Notification can be disseminated using a variety of methods that may include official UAH email, text messages, phone calls, the RAVE Guardian app, public address systems, in-person notifications, the UAH web page, and/or social media such as Facebook and Twitter. A follow-up will be sent if there is a significant update to the emergency or when the emergency no longer exists.

A Timely Warning is not required for the same circumstances if an Emergency Notification has also been issued, but follow-up information is required.

The UAlert system can be used to issue Emergency Notifications. Information on the UAlert system and RAVE Guardian, including how to sign up to receive notifications or update your contact information, is at <https://www.uah.edu/ualert> .

UALERT EMERGENCY MASS NOTIFICATION SYSTEM



If a potentially life-threatening emergency exists that necessitates an urgent notification to the greater university population (such as a tornado warning), the institution's UAlert system will be used. This message will be promulgated through telephone calls, text messages, and official UAH email. UAlert also integrates certain official UAH Facebook and Twitter accounts, the way an individual gets UAlert messages, or if they opt out of receiving them, is entirely their decision. More information, including how to sign up or updated your contact information, is at <https://www.uah.edu/ualert>.

CAMPUS OUTDOOR ANNOUNCEMENT SYSTEM

The University has incorporated an external "Giant Voice" alert system with two outdoor arrays - one on top of Material Science Building and another on top of Roberts Hall. Several facilities have indoor building mass notification systems (BMNS) installed.

These systems allow for real-time verbal broadcasts of instructions and information across campus.

SECURITY CONSIDERATIONS REGARDING MAINTENANCE

No campus is isolated from crime. However, UAH employs a variety of physical security measures to help protect the campus community. This includes Crime Prevention Through Environmental Design (CPTED). Exterior lighting and landscape control is a critical part of instituting CPTED principles used to reduce crime and enhance security. This combined with controlled access of buildings, security cameras, enhanced visibility and aggressive maintenance of facilities all promote a more secure campus.

Facility Security Maintenance

The Facilities and Operations Department inspects buildings regularly. If F&O locates a problem or receives a security related report such as a broken exterior door locking mechanism or access control component, malfunctioning fire alarm system, elevator problems, or similar matter, a priority work order for the necessary repairs is initiated. The UAH PD works closely with the Office of the Vice President for Student Affairs, the Housing & Residence Life professional staff, and other campus staff to ensure that safety policies and procedures are uniformly executed and are conveyed in a clear and

consistent manner to students and employees. Members of the University community are encouraged to contact any of the above-mentioned offices if they have security concerns regarding a particular area on campus.

BUILDING ACCESS CONTROL SYSTEM

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, authorized contractors, and certain escorted guests. The University encourages an open environment with reasonable constraints to aid in the protection of the community. Except for residence halls, most campus facilities are open during weekday regular business hours. Individuals who wish to access University academic and administrative buildings or specific rooms during non-business hours or for days when the university is closed, **MUST** be included on an approved Charger Card (Card Key) Access Request Form or Key Request Form provided to the Police Department by the appropriate Dean or Department Chair/Administrator. Those not having pre-approved access must arrange with the aforementioned individuals for inclusion. The Police Department will grant access upon receiving official notification in writing and on the required form(s).

Exterior doors of the residence halls are locked twenty-four hours a day. Only assigned residents may gain access using their Charger Card. Each resident is issued a separate private room key. In the event of a lost Charger Card or room key, it is the student's responsibility to make a report to the Charger Card Office and to the Housing and Residence Life staff so the room locks may be changed. Visitors must sign in and be escorted through the residence halls by their host.

Students and staff who have key or card access to buildings for after-hours work must lock the doors behind them after they enter and are encouraged to follow personal safety precautions. A door to a building or residence hall should never be propped open. If anyone observes a propped open door, it is their responsibility to close it. UAH officers check academic and administrative building doors at night and look for signs of unauthorized entry, fires, or other irregular activity.

HOUSING AND RESIDENCE LIFE STAFF TRAINING

Housing and Residence Life staff undergo training in enforcing security procedures. As part of the responsibility for residence hall security, those staff members participate in seminars conducted by University and Police trainers.

A Resident Director (RD) and Undergraduate Resident Assistant (RA) live in the Central Campus Residence Hall, Bevill Center, Frank Franz Hall, North Campus Residence Hall, and Charger Village. An RD and RAs also live in Southeast Campus Housing apartments. A full-time Housing staff member is on call 24 hours a day, and RAs participate in an on-call duty rotation in their respective residence halls whenever the Housing Office is closed (5:00 p.m. - 8:15 a.m. weekdays and 24 hours a day on weekends and University holidays). In the Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall and Charger Village, student assistants are assigned to the desk in the main lobby 24 hours a day, seven days a week. All RAs and desk assistants receive training on topics relating to campus safety and security.

During the regular academic year, all exterior doors in the Central Campus Residence Hall, Bevill Center, Frank Franz Hall, North Campus Residence Hall and Charger Village are locked 24 hours a day. During those hours, access to the buildings is by proximity card only. Housing and Residence Life manages building access for all residential facilities. Building access is only granted to residents of their respective building and authorized staff only. Student front desk assistants monitor the front doors 24 hours a day, seven days a week, throughout the year. Electronic alarms on all doors alert Desk Assistants of unlocked or opened EXIT doors. Due to repairs or other unusual circumstances, occasionally it becomes necessary for a door to be unlocked or disarmed for a limited period of time. In those instances, residents are notified in advance. All housing facilities offer 24-hour visitation. Each resident is responsible for his or her guest(s). Doors to student suites and to individual student rooms in the Central Campus Residence Hall, Bevill Center, Frank Franz Residence Hall, North Campus Residence Hall, and Charger Village Residence Hall, have deadbolt locks. All windows have locking devices.

During the summer, the Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall, or Charger Village may be used by conference groups. Guests are granted building access by a key card issued upon arrival and collected upon departure.

On-Campus Residence Halls

All first-year, full-time undergraduate students with a permanent legal residence beyond a 30-mile radius from campus are required to live in the campus residence halls. Any exemptions to this rule must be approved through University Housing and Residence Life. All other students may live on or off campus. Off-campus housing includes apartments, individual homes, and individual rooms in private homes.

Students may reside on campus in the apartment-style Southeast Campus Housing residences or the more traditional Central Campus Residence Hall, Frank Franz Hall, North Campus Residence Hall, or Charger Village Residence Hall. These living facilities offer suite-style community living. The Bevill Center provides single student rooms. All residence halls on campus are coeducational by floor, not suite. Southeast Campus Housing is constructed with apartment entrances that open to a breezeway.

EMERGENCY PREPAREDNESS, RESPONSE, AND EVACUATION

The University of Alabama in Huntsville has long recognized the need to be prepared for critical incidents. Various departments work together to ensure the University is doing all it can to prepare for, respond to, and recover from a large-scale emergency incident. In conjunction with local first responders, such as the Huntsville Police Department, Huntsville Fire & Rescue, and Huntsville Emergency Medical Services, Inc. (HEMSI), the University is well prepared to respond to a full range of critical incidents.

Certain University officials, referred to as Responsible Authorizers, have been granted authority to authorize emergency notifications. They include the following: Chief of Police, or any command level police officer, Executive Vice President for Academic Affairs & Provost, and Vice President for Finance and Administration, Emergency Incident Commander, and other University officials if they are directly involved with and have situational awareness of the emergency situation.

The UAlert activation process is normally initiated when a verified, life-threatening situation exists. The Responsible Authorizer approves the release of a pre-approved standard (canned) message, modified message, or new message to more closely fit a given situation.

CRIME PREVENTION

With the exercise of due caution, students and employees can reduce their chances of becoming a victim of crime. The University's crime prevention efforts are premised upon the dual concepts of eliminating or minimizing criminal opportunities, and encouraging individuals to be responsible for their own security and the security of others.

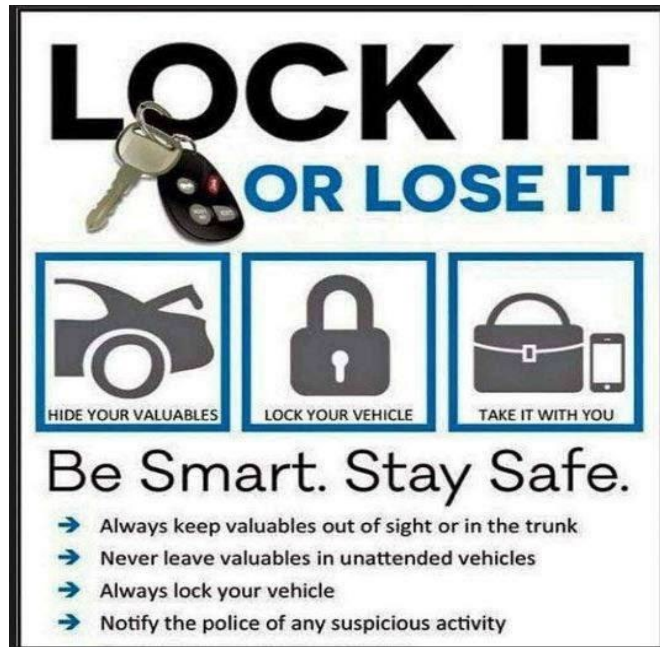
The cooperation and involvement of students and employees in a campus safety program is absolutely necessary. Students and employees must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. For example, although campus facilities and areas are lighted during normal class hours, it is always prudent for students to be accompanied by a friend to their residence or vehicle on campus late at night. Bedroom doors in residence suites should be locked at night and when the room is unoccupied. Resident suites and apartment entrance doors should be locked at all times. Valuable items such as stereos, cameras, and televisions should be marked or engraved with the serial number or a personal code. This number should then be kept in a safe place so that it is available should the item be stolen. Bicycles should be registered with the Parking Management Office and should be secured with a sturdy lock. Students with cars must park them in the authorized parking areas and should keep them locked at all times. Valuable items like backpacks, books, and sporting equipment should be locked in the trunk. Students observing an unusual object or individuals exhibiting suspicious behavior, in and around a residence hall should report those to the Housing and Residence Life office or Police. To make students and employees more aware of the importance of crime prevention, UAH carries out the following programs and projects:

- University Police participate in new student and parent orientation programs.
- Police meet with the RAs during their training, which usually takes place before the fall semester.
- A summary of criminal incidents, known as the Daily Crime and Fire Log is made available on the university police web site at <http://www.uah.edu/police/daily-log>.
- If and when circumstances warrant, special printed Crime Alerts are prepared and distributed either selectively or throughout the campus. (See: Timely Warnings)
- Housing and Residence Life staff arrange one program each term on some aspect of campus safety and security. All housing residents are encouraged to attend.

Security Enhancement and Crime Prevention Programs



- Operation ID: A nationally recognized program that allows UAH community members to discreetly mark personal property. The voluntary registration and recording of valuable items deters theft and increases the probability of recovering stolen property.
- Fatal Vision: Alcohol Impairment Education through the use of “Beer Goggles” on an obstacle course setting. This program is offered at least once each fall and spring Semester.
- Drug and Alcohol Abuse: This program is designed to educate our students on the cause and effect of drugs and alcohol abuse.
- Table Top Tips: Monthly crime prevention tips distributed throughout campus on table tops, bulletin boards, and electronically.
- Bicycle Safety Campaign: Encourages safe habits and adherence to traffic policies especially while crossing busy streets using the pedestrian crosswalks.
- Ripped-Off Cards: Friendly postcard reminders left when officers observe a potential security issue such as unlocked doors, unsupervised property, etc.
- Book-Mark: A simple and easy textbook theft deterrence system.
- Operation “Car Lock up”: Encourages students not to leave valuables in plain view even if locked up inside their vehicle.
- Crime Prevention Pop-Ups
- Coffee with a Cop
- New Student / Parent Orientation
- Trespass Warning Log
- Traffic Enforcement Messages / Radar Trailers
- Identity Theft Prevention
- Safety Presentations (Vehicle, Personal, Room)
- Active Shooter
- Security Escorts
- UAH PD Social Media (Department and Charger Watch Facebook Pages, Instagram)



Student Affairs, SGA, and Housing & Residence Life Offer the Following Programs

- United Educators: Modules include dangers of drug and alcohol abuse, healthy relationships and dating violence, harassment prevention, and bystander intervention training. Incoming freshmen are required to complete these modules.
- Multiple poster/flyer events: Events held throughout the year that promote awareness on Sexual Violence, Prevention, and methods for reporting such violence.
- Highlight Bulletin Board: Each housing facility is provided with a bulletin board that highlights specific issues and provides information concerning sexual violence, alcohol and substance abuse, suicide prevention, and bullying.

Rave Guardian (Safety/Security Telephone Application)

The University makes the Rave Mobile Safety Guardian app for iOS and Android devices available with the following functionality:

- Duress Button: This provides a direct, immediate connection to the University Police with GPS location and personal profile information.
- Tip Texting: This enables anonymous crime tip reporting and two-way communication via the mobile app.
- Guardian Timer: This feature allows users to be able to identify friends, roommates, and family, along with UAH PD, as “Guardians.” During a Timer session, Guardians can check the student’s status. If the Rave Guardian timer is not deactivated before it

expires, the Police Department is automatically given the user's Rave Guardian profile to proactively identify and check on the individual.

- Whenever students, faculty, or staff connect with the Police using the Rave Guardian Campus Safety app automatically delivers a caller profile that the user has provided, including current location, medical conditions, course schedule, addresses, photo, and other critical data. When we receive a report of an urgent situation, we dispatch officers to the scene to lend assistance, investigate, prepare a report, and conduct follow-up, as needed. When appropriate, we notify Huntsville fire, medical, and police personnel.
- Please visit <https://www.uah.edu/ualert> for more information about the Rave Mobile Safety Guardian app. Unless otherwise noted, reports made to UAH PD will be included in annual statistical compilations and the daily crime log, when appropriate, and will be evaluated for timely warning consideration.

STATEMENT OF POLICY PROHIBITING HAZING

The University of Alabama in Huntsville is committed to maintaining a supportive, educational environment that seeks to enhance the well-being of all members of its community. This commitment reflects the institution's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. Consistent with that commitment, the University prohibits any and all forms of hazing of its students. This policy applies to all students and all student organizations.

HAZING POLICY

Number 03.03.01

Division Student Affairs - Dean of Students

Date October 2014, updated August 2, 2022

Purpose

The University of Alabama in Huntsville ("the University") is committed to maintaining a supportive, educational environment that seeks to enhance the well-being of all members of its community. This commitment reflects the institution's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. Consistent with that commitment, the University prohibits any and all forms of hazing of its students. This policy applies to all students and all student organizations.

Policy

"Hazing" is defined by Section 16-1-23, Code of Alabama (1975) as follows:

1. Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or
2. Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.
3. The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

4. No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.
5. No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed hazing under the provisions of this section.
6. Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A.
7. Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.
8. Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

In addition to Section 16-1-23, Code of Alabama (1975), hazing is additionally defined by The University of Alabama in Huntsville as any act which endangers the mental or physical health or safety of a student; or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

Some examples of prohibited behavior include, but are not limited to, forced consumption of any liquid or solid substance, paddling, creation of fatigue, physical shocks, degrading or humiliating games, acts of servitude, physical harassment, branding, public stunts, and forced tattoos.

Procedure

Individuals who know or suspect that hazing has taken place are required to report hazing to the appropriate university official. Alabama has a “Duty to Report” clause in its anti-hazing statute making it illegal to be aware of hazing and failing to report.

To report hazing, please provide specific information regarding the specifics of the hazing incident to any of the following:

The University of Alabama in Huntsville Police Department 256-824-6596 or 256-824-6911 (in case of emergency).

The Dean of Students Office 256-824-6700 or submit a Charger 360 at <https://www.uah.edu/charger360>

Review

The Office of Student Life and the Dean of Students are responsible for the review of this policy every five years (or whenever circumstances require).

Hazing is a violation of State law and strictly prohibited at UAH. Hazing is defined by the Alabama Code:

Section 16-1-23

Hazing prohibited; penalty.

(a) Hazing is defined as follows:

(1) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(2) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(3) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(b) No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(c) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed hazing under the provisions of this section.

(d) Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A.

(e) Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

(f) Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

UAH Definition of Hazing

In addition to this Section, hazing is additionally defined by The University of Alabama in Huntsville as any act which endangers the mental or physical health or safety of a student; or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. Under state law and the UAH hazing policy the express or implied consent of the victim will not be a defense. Some examples of prohibited behavior include, but are not limited to, forced consumption of any liquid or solid substance, paddling, creation of fatigue, physical shocks, degrading or humiliating games, acts of servitude, physical harassment, branding, public stunts, and forced tattoos. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this law and University policy.

How to Report Suspected Hazing

Alabama has a “Duty to Report” clause in its anti-hazing statute making it illegal to be aware of hazing and fail to report the crime to Police. When you make a report, you may do so anonymously. However, be prepared to provide specific information regarding the hazing incident, location, name of the organization, and those involved. To report hazing, call the UAH Police Department at 256-824-6595.

Individuals may also report hazing through at [uah.edu/make a report](http://uah.edu/make-a-report). This reporting option allows the individual to report the concerning conduct using their name and they can elect to file the report anonymously.

DRUGS AND ALCOHOL ON CAMPUS

UAH prohibits the unlawful possession, use, or sale of controlled substances anywhere on University property. This prohibition includes illegally possessed prescription drugs. Alcoholic beverages may be consumed under certain circumstances in approved locations in connection with special events. Any violation of federal, state, or local drug or alcohol laws, including those pertaining to underage drinking, takes precedence over institutional policy and will subject the offender to arrest or disciplinary action.

Drug Free Workplace Policy

Number 06.02.09

Division Human Resources

Date May, 2013

Purpose

The University of Alabama in Huntsville is committed to providing a drug-free environment for its faculty, staff, and students. As a part of that commitment, the University annually informs its employees and students about federal, state, and local laws relating to unlawful possession and use of drugs and alcohol, pertinent institutional policies, health risks associated with alcohol abuse and illegal drug use, and treatment services available. This information is also provided annually pursuant to the University's obligations under the federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Policy Current University policy prohibits the unlawful possession, use, or distribution of drugs by students and employees on University property or as part of any University activity. It further prohibits the possession or consumption of alcoholic beverages anywhere on University property, except in a student's residence in University housing, and any possession or consumption of alcoholic beverages by a student under 21 years of age, the legal age for drinking established by state law, or any other violation of state or local law with respect to drinking. Any student or University employee who violates this policy is subject to discipline or sanction consistent with applicable University procedures. For students, such discipline may include probation, suspension, and expulsion. For employees, disciplinary action may include dismissal, as well as lesser sanctions. Additionally, an employee or student may be referred for prosecution under applicable local, state, or federal laws. Under Alabama law, the possession, purchase, or consumption of alcoholic beverages by a person under 21 years of age is punishable by a fine of up to \$100 and by up to thirty days in jail. § 28-1-5, Alabama Code. Also, for a first offense, unlawful possession of a controlled substance (that is, an illegal drug) may be punished by imprisonment up to ten years and imposition of a \$5,000 fine, and unlawful distribution of controlled substances is punishable by imprisonment up to 20 years and a \$10,000 fine. §§ 13A-12-211, 212; 13A-5-6, 11, Alabama Code. Subsequent offenses may result in more stringent punishment. Possession and distribution of marijuana is subject to separate statutory penalties.

Under federal law, for a first offense, unlawful possession of a controlled substance (including marijuana) is punishable by a minimum fine of \$1,000 and up to one year

imprisonment. 21 U.S.C. 844(a). Unlawful distribution of a controlled substance (including marijuana) may result in fines of between \$250,000 and \$8,000,000 and up to life imprisonment, depending on the circumstances and the quantity and type of controlled substance distributed, with greater penalties for subsequent offenses. For a more complete summary of federal laws and penalties for illegal drug use, see <http://www.dea.gov/druginfo/ftp3.shtml>. Employees are reminded that, as a condition of their employment, they are obligated to notify the UAH Office of Human Resources of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. Alcohol consumption causes a number of marked changes in behavior. Even low quantities consumed can significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Consumption of low to moderate amounts of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Drinking moderate to high quantities of alcohol causes marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Consumption of very high quantities causes respiratory depression and death. If combined with other depressants of the central nervous system, much lower amounts of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics. The chart included with this memorandum describes some of the possible health risks associated with the use of controlled substances. Cocaine use has been connected to kidney damage, stroke, lung and heart diseases, seizures, and intense psychological problems. Many forms of narcotics are highly addictive to users. Marijuana use creates certain dysfunctions related to thinking, learning, and recall; aggravates asthma, bronchitis, and emphysema; contributes to fertility problems; and contributes to the development of lung cancer. Non-prescribed, abusive use of drugs can have an adverse effect on overall health and well-being. Extended drug and/or alcohol use may result in substance dependence and loss of control of an individual's life. Drug and alcohol abuse is detrimental to your health, studies, and career. If you have a problem with drug or alcohol abuse, you are encouraged to seek help. There are a variety of education and treatment programs available in the Huntsville community. The University's Employee Assistance Program (EAP) is also available as a resource for our employees and their family members. For further information about their services, please call toll free in Alabama 800-925-5327.

Review

The Human Resources Office is responsible for the review of this policy every five years (or whenever circumstances require).

ALCOHOLIC BEVERAGE USAGE AT UNIVERSITY EVENTS POLICY

Number 04.03.01

Division University Events

Date September, 2011

Purpose

The purpose of this policy is to describe the use of alcoholic beverages at on-campus and off-campus events in accordance with state law. Policy On-campus Events: Use and consumption of alcohol on The University of Alabama in Huntsville campus is governed by the University's drug and alcohol policies as stated in the Student Handbook and Staff Handbook and by the laws of the State of Alabama. Under Alabama statutes, consumption of alcoholic beverages by anyone under the age of 21 years is prohibited. Sodexo, the University's food service provider, has been granted a license by the State of Alabama to sell alcoholic beverages during functions at the Bevill Center and University Center. All arrangements for such events must be made through the Sodexo catering office. As the license holder, Sodexo has the right to refuse to provide this service at its sole and absolute discretion. Sodexo's liquor license enables event hosts working through them to offer guests a cash bar or to provide a host bar (i.e.--the sponsor pays the bill) in the approved locations. State funds cannot be used to pay for alcoholic beverages. It is permissible to give alcoholic beverages away at other campus locations. You must, however, hire a licensed bartender through Sodexo. This type of reception can be facilitated with a host bar which means you privately purchase the alcohol and deliver it to the location. Self-service is not permitted; beverages may only be served by a trained bartender. You must be able to produce receipts for alcoholic beverages to verify that the alcohol was purchased from a legitimate retail outlet in Alabama. No open containers (open bottles, cups, cans) can be carried from the venue. Violating these regulations can result in serious personal liability for event planners, hosts, and for persons purchasing and transporting beverages.

Requests to have beer at an event such as an outdoor concert, festival, or other activity, are subject first to approval by the university. Under state law, the event planners must obtain a separate Special Event License from the state's Alcoholic Beverage Control Board through an approved vendor. This process can take up to 6-8 weeks. The event planners are responsible for complying with all University regulations and permits pertaining to special events, all laws concerning possession or consumption by minors, and with open container laws. Sodexo's license does not include the right to provide alcohol for this type of event. The University may grant or deny requests for the use or consumption of alcohol on property owned by it in its sole and absolute discretion.

Review

The Vice President for University Advancement is responsible for the review of this policy every five years (or whenever circumstances require).

FEDERAL CAMPUS SEX CRIMES PREVENTION ACT

The Federal Campus Sex Crimes Prevention Act, (section 1601 of Public Law 106-386) enacted on October 28, 2000, went into effect October 28, 2002. It is a law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or those working or volunteering on campus. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already registered in a State to provide notice to the appropriate state agency, as required under state law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

Procedure on How to Locate the State Sex Offender Registry

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. Information on registered sex offenders may be obtained from the Alabama Law Enforcement Agency (ALEA) at: <https://www.alea.gov/node/270>

Sex Offender Responsibilities to Report

In Alabama, convicted sex offenders must register with the sheriff of the county of his or her legal residence. It also mandates sex offenders already required to register in a state to provide notice, as required under State of Alabama law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers, or enrolls as a student.

CHILD PROTECTION POLICY

Any University employee who knows or suspects that a child, defined as any individual under age 18, has been the victim of abuse or neglect must immediately report the matter. Child abuse or neglect is defined under Code of Alabama 1975 Section 26-14-1 as "harm or threatened harm to a child's health or welfare through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation...negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter." The law imposes mandatory reporting requirements on certain individuals, including but not limited to: law enforcement, medical professionals, mental health professionals, school teachers and officials, and employees of public and private institutions of postsecondary and higher education.

A first-year student, a "dual enrolled" high school student, or individuals participating in activities or programs hosted by the University may fall into the category of a "child." University policy broadens the reporting obligation and further directs that the report (orally and then in written form) be made to the UAH Police with a copy to the Office of Risk Management and Compliance.

The University Child Abuse or Neglect Report Form can be found here:

<https://www.uah.edu/images/administrative/compliance/10-7-20-child-abuse-or-neglect-form.pdf>

CHILD ABUSE OR NEGLECT REPORT FORM

Upon completion, promptly provide information to the UAH Police Department located on campus within the Intermodal Facility, Room 123, 301 Sparkman Drive Huntsville, AL 35899 or by calling 256-824-6596. Also notify the Office of Risk Management at 256.824.6899.

Do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with University, city, county, and state officials.

Date of report: _____

Date/time/location of incident or observation: _____

Report submitted to: _____

Report submitted by: _____

Reporter's home/cell telephone: _____

Reporter's email address: _____

Name of child involved: _____

Child's current location (if known:) _____

Contact information for child's parent/guardian: _____

Name of accused: _____

Relationship of accused to child: _____

Provide a detailed description of every explicit detail you can remember and use direct quotations whenever possible. If known, include a description of any evidence of previous injury or trauma to the child.

Any person or entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability-civil or criminal-that might otherwise be incurred or imposed.

Child Protection Policy

Number 06.09.01

Division Compliance

Date In effect August 1, 2018

Purpose

The University of Alabama in Huntsville ("UAH") is committed to maintaining a supportive, welcoming, and safe educational environment, one that seeks to enhance the well-being of all members of its community. This commitment reflects the institution's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. Within that commitment, UAH places importance on creating a secure environment for children. To that end, UAH has adopted the following Child Protection Policy and procedures. In order to ensure the safety and well-being of children, individuals, including UAH faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities, with responsibilities that involve interaction with children (collectively "UAH personnel"), must carefully review and abide by the following Policy regarding abuse.

Policy

Code of Alabama Title 26, Chapter 14, Section 14 ("Reporting of Child Abuse or Neglect") provides the authority for this Policy.

In addition to the requirements of this policy, UAH personnel must adhere to obligations that may be imposed by applicable law or other University policy.

Scope

This Policy applies to all faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities, with responsibilities that involve interaction with children.

Except for the exclusions listed in the next paragraph, all activities or programs for and that include children are within the scope of this Policy. This includes, but is not limited to:

Activities or programs for or that include children that the University operates on campus or in University facilities, including, but not limited to: overnight camps, instructional programs, day camps, academic camps, and sports camps.

Activities or programs for or that include children that are operated, conducted, or organized by third parties that take place on campus or in University facilities, including, but not limited to, facility rentals to third-party organizations.

Activities or programs for or that include children that the University operates that do not take place on campus, including, but not limited to, outreach and community service activities.

Faculty or staff who bring children to campus as interns or volunteers outside of a structured activity or program for or that include children (e.g., to intern in a laboratory). Student organizations or any other University affiliated organization operating, facilitating, or sponsoring activities or programs for or that includes children. This Policy does not apply to:

Undergraduate and graduate academic programs in which individuals under the age of 18 are enrolled for academic credit or have been accepted for enrollment.
Events on campus open to the general public that children also attend.
Medical care given to children in UAH patient-care setting.
Children employed by the University.
These areas/programs are still subject to all other relevant UAH policies and procedures.

(Children with Disabilities who have not earned an Alabama High School Diploma and who have not reached their twenty-first birthday by August 1 are entitled to special education and related services up to age 21. See Rules of the Alabama State Board of Education Special Education Services, Chapter 290-8-9.04(3) (August 2015), <https://www.alsde.edu/sec/ses/Policy/AAC%20290-8-9%2011-4-2013.pdf>)

Definitions

Child - Any individual under the age of 18 or an individual under 21 years old who is incapable of self-care because of a mental or physical disability.

Activities or Programs for or that include Children Any: (1) event, operation, or endeavor operated, conducted, or organized by any unit or organization that is supported by or affiliated with the University or occurring on University property, (2) that includes children, and (3) during which parents or guardians are not expected to be responsible for the care, custody, or control of the children. These include Third-Party Activities and Programs (defined below).

Program Director - A Program Director is the individual on-site who is responsible for the day-to-day operations of the activity or program and who oversees Program Staff.

Program Contact - This individual represents the department, college, or student organization responsible for the direction or operation of the activities or programs. In the case of Third-Party Activities and Programs, this person serves as the liaison between UAH and the third-party personnel. The UAH Program Contact must be a full-time UAH employee and is responsible for registering the Third-Party Activities and Programs.

Program Participant - A Program Participant is a child who is attending an activity or program for or that includes children.

Program Staff - Program Staff consist of both paid and unpaid individuals who have

direct contact with activity or program participants. This may be faculty, staff, students, student employees, graduate assistants, contractors, or volunteers. Program Staff are responsible for planning, teaching, coordinating, and carrying out activities and the supervision of participants in the activities or programs.

Third-Party Activities and Programs - Third-Party Activities and Programs are activities or programs for or including children that are offered by an individual or entity that is not affiliated with UAH and that have a participant group made up, in whole or in part, of individuals under the age of 18 or of individuals under 21 years old who are incapable of self-care because of a mental or physical disability. These programs complete all or part of their educational and/or business purpose on UAH property, and the third-party individual or entity assumes full responsibility for the supervision of the participants. These programs may or may not collect fees from participants.

Volunteer - Any individual working in an unpaid capacity in an activity or program for or including minors.

Policy and Procedures

This Policy applies to all UAH faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities, with responsibilities that involve interaction with children. If any University personnel are planning a program or activity that involves children or may involve children in any capacity, please contact the Director of Compliance for review and assessment of specific program requirements. All activities or programs for or including children will be subject to this Policy and to the more detailed instructions outlined in the Guidebook for Activities or Programs with Child Participants. All individuals must sign and agree to abide by the requirements outlined in the Guidebook before working in activities or programs for or including children. All individuals and requested activities/programs are expected to comply with all relevant policies and directives to the satisfaction of UAH. Any behavior or contact between Program Staff and Program Participants that violates approved program activities, established law, UAH's Child Protection Policy, or other relevant UAH policies is prohibited.

All activities or programs for or including children must submit an application and all requested documentation to the Director of Compliance for approval at least four weeks prior to the start date of the activity and/or program. An application submitted fewer than four weeks prior to the start of the requested activities or programs may not be approved. Activities or programs for or including children may not occur without appropriate UAH approval as outlined herein. Detailed information on required documentation is available in the Guidebook.

UAH departments sponsoring activities or programs for or including children must maintain an up-to-date listing of those programs. Such lists should include each program's dates, times, locations, attendance (including age range and number of participants), and the contact information for the UAH program sponsor and should

include contact information for the Program Director where applicable.

Those working in activities or programs for or including children who witness child abuse or neglect, or have information that would lead a reasonable person to believe a child faces a substantial threat of such abuse or neglect, must follow reporting procedures established in this UAH Child Protection Policy.

Individuals working in activities or programs for or including children must successfully complete required background checks before working in such activities or programs.

Detailed information on required background checks is available in the Guidebook.

All units must ensure that individuals working in activities or programs for or including children complete all required training as outlined in the Guidebook.

Children performing activities in laboratories or around research animals may have additional documentation, training requirements or restrictions imposed, depending on the specific nature of the hazards in the area.

Activities or programs for or including children may be subject to site visits coordinated by the Director of Compliance. Any suspected violation of approved program guidelines or UAH policy will be subject to investigation by the appropriate University officials.

Colleges, units, and individuals must cooperate with investigations when they occur.

Safety awareness information, specific to program activities, must be provided to all staff or volunteers. Appropriate safety awareness information may include training on first aid and CPR, weather safety, campus resources, and personal safety recommendations. More detailed information on training requirements and available materials is included in the Guidebook.

UAH expects parents or guardians to provide supervision for children who are on campus unless the child is engaged in an activity or program for or that includes children. Parents or guardians should not leave children unsupervised on University property.

Third-Party Activities and Programs must:

Establish a contractual relationship with the University for the use of facilities and/or resources;

Provide evidence of insurance coverage in accordance with the requirements outlined by UAH's Office of Risk Management, unless the requirements are waived by the Office of Risk Management;

Be sponsored by or affiliated with a UAH department, college or recognized student organization and have a designated UAH Program Contact;

Designate an on-site Program Director, if not the UAH Program Contact;

Operate under the administrative purview of a UAH department;

Complete the same review and approval process as a UAH sponsored activity or program.

Successfully complete appropriate background checks for all individuals working in activities and programs for and involving children, and who are likely to have responsibility for the care, custody, or control of a child as part of that activity or program.

Compliance with this Policy and the Guidebook is required as a condition of operating camps at UAH. Failure to comply with the requirements of this Policy or the requirements further outlined in the Guidebook can result in the loss of program

privileges and other sanctions at UAH.

Reporting Procedures

If you know or suspect that a child is a victim of child abuse or neglect, you must report. In deciding whether or not to report an incident or situation of suspected abuse or neglect, it is not required that you have proof that abuse or neglect has occurred.

Any uncertainty in deciding to suspect abuse or neglect should be resolved in favor of making a good faith report.

In making a report, your actions should be as follows:

Immediately report the information to: The University of Alabama in Huntsville Police Department at 256-824-6596. Your oral report should include all reasonably available information regarding the known or suspected abuse or neglect, including, but not limited to, the name of the child, his or her whereabouts, the names and addresses of the parents, guardian, or caretaker and the character and extent of the injuries. The report should also contain, if known, any evidence of previous injuries to said child and any other pertinent information that might establish the cause of such injury or injuries, and the identity of the person or persons allegedly responsible for the same.

Do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with University, city, county, and state officials.

In addition to making an oral report, you must also complete a Child Abuse or Neglect Report Form found on <https://www.uah.edu/compliance> and deliver the same to the UAH Police Department.

Prohibition on Retaliation and Immunity from Liability

Any person who makes a good faith report of child abuse or neglect shall not be subjected to retaliation. Further, any person or entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability—civil or criminal—that might otherwise be incurred or imposed.

Review

The Office of the Director of Compliance and Title IX Coordinator is responsible for the review of this policy every five years (or whenever circumstances require).

Guidebook for Activities or Programs with Child

The University of Alabama in Huntsville (UAH) is committed to providing a safe and welcoming experience for children. Faculty, staff, students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of UAH facilities (collectively "UAH personnel") are therefore expected to hold themselves to the highest standards of conduct when interacting with children.

This Guidebook is designed to assist with the development of guidelines and practices to support compliance with University policy regarding activities and programs for or that include children. Terms defined in the University's Child Protection Policy carry the

same definitions throughout this Guidebook. Except for the exclusions listed in the next paragraph, all activities and programs for and that include children are within the scope of this Guidebook. This includes, but is not limited to:

Activities or programs for or that include children that the University operates on campus or in University facilities, including, but not limited to: overnight camps, instructional programs, day camps, academic camps, and sports camps.

Activities or programs for or that include children that are operated, conducted, or organized by third parties that take place on campus or in University facilities, including, but not limited to, facility rentals to third-party organizations.

Activities or programs for or that include children that the University operates that do not take place on campus, including, but not limited to, outreach and community service activities.

Faculty or staff who bring children to campus as interns or volunteers outside of a structured activity or program for or that include children (e.g., to intern in a laboratory).

Student organizations or any other University affiliated organization operating, facilitating, or sponsoring activities or programs for or that includes children.

This policy does not apply to:

Undergraduate and graduate academic programs in which individuals under the age of 18 are enrolled for academic credit or have been accepted for enrollment.

Events on campus open to the general public that children also attend.

Medical care given to children in a UAH patient-care setting.

Children employed by the University.

General Program Requirement

Activities and programs for or that include children must have in place, enforce, and make available upon request guidelines that address the following areas, as applicable to the particular program:

Transportation, including the transportation of children at the beginning and end of the program, to and from the program, and within the program, whether by parents, guardians, Program Staff or others. Transportation guidelines should outline any procedures required to be implemented to identify and manage who can or cannot pick up a participant at the close of a program or day. Programs that use University vehicles or drivers must also comply with UAH policies regarding drivers and vehicles;

Emergency plans, including guidelines for weather emergencies and for communicating and responding to Emergency Notifications;

Appropriate levels of access to and supervision of children, including Program Staff to participant ratios; and

Training for appropriate physical contact and communication by Program Staff with children based on the age of the child and the nature of the program activities.

In addition to these guidelines, each program participant and staff member must complete a Release of Liability, Assumption of Risk, and Indemnification form located on <https://www.uah.edu/compliance>.

Communications and Parent Information Package

Each program or activity must develop a communications and parent or guardian information package. These must include but are not limited to procedures for the notification of the child's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Participants and their parents/guardians must be advised of this procedure in writing prior to program participation.

Communication and parent information packages for programs that involve overnight stay or use of UAH housing by children must have guidelines that address all of the previously mentioned items as well as policies in place that appropriately address the following:

Personnel identification to be worn by Program Staff;

Curfews;

Code of conduct for participants;

Prohibitions on the use of alcohol, tobacco, and non-prescribed drugs;

Appropriate residential supervision, which, among other things, includes proper Counselor to Participant Ratios as describe in the Counselor to Participant Ratio section of this Guidebook.

Program contact information for parent/guardian use. Programs should request parent/guardian contact information for use in the event of an emergency.

Registration and Approval

UAH departments sponsoring activities or programs for or including children must maintain an up-to-date listing for those programs. Such lists should include each program's dates, times, locations, attendance (including age range and number of participants), and the contact information for the Program Director. All activities and programs for or involving children must be completed annually prior to the beginning of the University academic year. Registration for other activities and programs for or involving children should be completed at least four weeks in advance, but must be completed and approved before an activity or program for or involving children begins. Required documentation to initiate the registration and approval process includes:

An application to offer activities and programs for or involving children.

A complete description of the activities and a planned itinerary must accompany the application. Include any additional documentation or waivers required for program activities.

Insurance information for the program. Activities will be cross-referenced with the current program insurance policies to ensure adequate coverage.

A complete listing of Program Staff with date of birth must accompany the application.

Training completions and background checks will be verified to ensure compliance.

Program applications should identify which Program Staff member will be responsible for keeping/administering medication or handling illness/injury.

A copy of all previously mentioned guidelines and communication plans (see General Program Requirements).

Training Requirements

Colleges and units must ensure that individuals working in activities and programs for or including children complete all required training as outlined in this Guidebook as well as any other training that may be required by specific camps.

All UAH Personnel with care, custody, or control of children must complete the following training courses annually:

Training on the UAH Child Protection Policy.

Mandatory Reporting Training.

Campus Security Authority Training (Clery Act).

Colleges and units must ensure that faculty, staff, students, student employees, graduate assistants, and volunteers have completed all required training annually before they work in activities and programs for or including children.

Training records must include who attended, what was covered, when and where the training was presented, and participants must sign a roster indicating their understanding. Records of training must be submitted and stored via Google Sites/Drive.

Counselor to Participant Ratios

Counselor to participant ratios should conform to the ratios listed below. Programs or activities involving children should have a minimum of two individuals responsible for oversight. In large groups of participants, programs may need to provide additional oversight of campers, depending on the intended activities. Regardless of the number of participants, at least 80% of the counselors must be age 18 or older.

Standards for Overnight Campers are:

One staff member for every 5 campers ages 5 and under.

One staff member for every 6 campers ages 6 to 8.

One staff member for every 8 campers ages 9 to 14.

One staff member for every 10 campers ages 15 to 18.

Standards for day only camps are:

One staff member for every 6 campers ages 5 and under.

One staff member for every 8 campers ages 6 to 8.

One staff member for every 10 campers ages 9 to 14.

One staff member for every 12 campers ages 15 to 17.

Children Requiring Accommodations

Each camp or program for or including children must establish a set of standards for reasonably accommodating children requiring accommodations. These include, but are not limited to, the modification of policies, practices, and procedures, effective communication prior to and during the camp or program for children and the removal of physical or communication barriers to programs, activities, goods or services. Programs must provide ample time for participants to disclose any reasonable accommodations they may need during their participation in the program. Programs must communicate

contact information for a specific individual responsible for the identification of reasonable accommodations.

For questions or assistance with securing reasonable accommodations, contact the Director of Compliance.

Illness, Injury, and Medication

Any incidents, accidents, or injuries occurring during a program or activity for or including children should be reported to UAHPD and the Director of Compliance according to established policies, including:

Those involved should submit a General Incident Report using the General Incident Report Form.

Employees who are injured during working hours should submit an On the Job Injury Form.

Student/Non-Employee injuries should be submitted using the Student/Non- Employee Injury Report Form.

Any issues that are not addressed under these policies should be reported to UAHPD (256-824-6596).

All programs must obtain authorization to administer any medication, including prescription and non-prescription medications, from the participant's parent or legal guardian in a written, signed and dated format using a completed Authorization for Dispensing Medical Information Form found on <https://www.uah.edu/compliance>. This form expires one year after its original date. The participant's parent or legal guardian may not authorize administering medication in excess of the medication's label instructions or the directions of the child's healthcare professional. A parent or guardian authorization is not required for administering a medication to a participant in a medical emergency to prevent the death or serious bodily injury of the participant, provided that the medication is administered as prescribed, directed, or intended. If the program chooses not to administer any medication, parents or guardians must be notified prior to the participant's enrollment in the program.

Medication given must be given from the original container to the individual for whom the medication was prescribed within the expiration date. Over-the-counter medication must be labeled with the individual's name along with an Authorization for Dispensing Medical Information Form. When a staff member or volunteer administers the medication, they must record the full name of the participant, name of medication, date and time medication was given, and full name of staff member or volunteer who administered the medication.

If a participant requires specialized medical assistance, any staff member or volunteer at the program is required to provide the specialized medical assistance as recommended or ordered by a healthcare professional. Programs must maintain a written copy of the healthcare professional's recommendations or orders in the participant's record for at least three years after the program date. Retention may be

longer if advised by University Health Services, University Counsel, or Director of Compliance.

All medication must be stored out of reach of all participants or locked in storage in a manner that does not contaminate food, or refrigerated, if required, separate from food. Medication must be returned to the participant's parent or guardian or upon completion of the program or upon participant dismissal from the program.

All documentation associated with illness, injury, or medication should be submitted to the Director of Compliance.

Reporting of Incidents or Accidents

Incidents and accidents can include such things as: minor to major physical injuries of participants and/or counselors; behavioral issues among participants, counselors, or visitors; hospital/doctor visits; violent or potentially violent behavior; the possession or use of alcohol or other drugs; inappropriate physical contact; or violations or potential violations of UAH policy.

Emergencies, including emergency medical situations, should be reported to UAHPD at 256.824.6596.

In addition to any other reporting or incident documentation, the UAH Program Contact or Program Director should report any accidents/incidents to the Director of Compliance as soon as possible. The Director of Compliance will forward information to relevant offices on campuses including but not limited to University Counsel and Office of Risk Management. If consultation regarding reporting is needed, or if there are questions on the process or other support needed, please contact the Director of Compliance.

Abuse or Neglect of a Child

No form of child abuse, whether physical, emotional or sexual, will be permitted or tolerated under any circumstances whatsoever. Child abuse is morally and legally wrong. It can come in many forms. Harm or threatened harm to a child's health or welfare can occur through non-accidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. "Sexual abuse" may be perpetrated by an adult or another child and includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children as those acts are defined by Alabama law. Sexual abuse also includes any activity that is meant to arouse or gratify the sexual desires of the perpetrating adult or child. Sexual abuse may or may not involve touching. "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

"Negligent treatment" or "maltreatment of a child" includes the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

If you know or suspect that a child is a victim of child abuse or neglect, you must act. In deciding whether or not to report an incident or situation of suspected abuse or neglect, it is not required that you have proof that abuse or neglect has occurred. Any uncertainty in deciding to report suspected abuse or neglect should be resolved in favor of making a good faith report. In making a report, your actions should be as follows:

First, immediately report the information to: The University of Alabama in Huntsville Police Department at 256-824-6596. Your oral report should include all available information regarding the known or suspected abuse or neglect, including, but not limited to, the name of the child, his or her whereabouts, the names and addresses of the parents, guardian, or caretaker and the character and extent of the injuries. The report should also contain, if known, any evidence of previous injuries to said child and any other pertinent information that might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the same. Second, do not directly question or solicit information from the child or from the person suspected of improper behavior. That is not your role; the role of investigation lies with University, city, county, and state officials. Third, in addition to making an oral report, you must also complete a Child Abuse or Neglect Report Form and deliver the same to the UAH Police and Director of Compliance.

Prohibition on Retaliation and Immunity from Liability

Any person who makes a good faith report of child abuse or neglect shall not be subjected to retaliation. Further, any person or entity that makes a good faith report of child abuse or neglect is immune under Alabama law from any liability civil or criminal that might otherwise be incurred or imposed.

Background Checks

Any faculty, staff, appointee, student, student employee, graduate associate, volunteer, or third-party vendor working in activities and programs for and involving children, and who are likely to have responsibility for the care, custody, or control of a child as part of that activity or program, must successfully complete annual background checks. Criminal record and sex offender background checks are required of all individuals hired or assigned to any employee or volunteer position(s) involving contact with children.

College and unit activities and programs for and involving children can require background checks on broader categories of individuals than those who are likely to have responsibility for the care, custody, or control of a child as part of an activity or program, provided there is a business justification, that checks are made consistently across specific positions and that the process and the results of individual background checks have been approved.

Individuals must have a federal, state, and municipality background check. Individuals

who have a break in service for fewer than 12 months must disclose any convictions that occurred during the break within three weeks (21 calendar days) of the beginning of participation in activities and programs. If a break in service is longer than 12 months, individuals must have a new background check before working in activities and programs for and including children.

A background check must be completed to remain eligible to work in activities and programs for and including children.

College and unit activities and programs for and including children must have background checks on applicable individuals performed more frequently if required by law.

New hires are required to complete the University background check process at the time of, and as a condition of, hire.

All other program staff members must complete the background check process. This includes current employees working with children who have not previously had a background check completed within the previous 12 months, and all other individuals working with children whether paid or unpaid.

College and unit activities and programs for and including children must contact the Office of Human Resource and request a background check on any faculty, staff, appointee, student, student employee, graduate associate, volunteer, or third-party vendor working in activities and programs for and involving children, and who are likely to have responsibility for the care, custody, or control of a child as part of that activity or program.

For those activities and programs that charge a participant fee, the fee must be at least sufficient to cover the cost of the background checks required.

For those activities and programs that are part of a Sponsored Programs activity or program, the budget submitted to the supporting agency must include the cost of the background checks required.

For those activities that do not charge a participant fee and are supported financially by UAH and/or gift funds provided through the UAH Foundation or provided directly to UAH through University Advancement, the cost of the background checks will be covered through the Office of the Director of Compliance.

The results of the background checks will be received by the Office of Human Resources and will subsequently be shared with the Director of Compliance.

It is the responsibility of the person in charge of the program or activity at the University to assure that each program staff member and volunteer has completed a background check and received clearance to participate from the Director of Compliance.

Background checks must include a statewide criminal history search in the State of Alabama, and county-by-county criminal history searches for any location outside of Alabama in which the program staff member indicates they have lived, worked, or attended school within the past seven (7) years. The background check will be limited to criminal offenses for which an individual has been convicted, pled guilty or nolo contendere to a felony or misdemeanor, or where such charges are currently pending. In addition to criminal records searches, UAH also conducts a sex offender registry search and an ID Trace via the program staff member's social security number, which

reports any locations in which the social security number has been used for credit purposes so that these locales can be checked if not disclosed. In the event the program staff member will be driving during the course of the activity, a driving record will be required in compliance with the UAH's Fleet Safety Policy.

Volunteers under age 19 are not subjected to a background check; however, a personal reference check is performed by the same vendor who does the background checks. Parental or guardian consent must be given when an individual is under the age of 19. Records must be kept consistent with the unit's record keeping and the University Records Retention Schedule.

Every third-party contract will contain a provision that the third party understands it must comply with the Guidebook and Policy regarding background checks and will provide proof to UAH that it is in compliance.

Criminal convictions, deferred adjudications and/or sex offender background checks that return any offense could potentially disqualify a person from being employed by or assigned to a program or activity involving children. Any areas of concern must be forwarded to the Director of Compliance.

Faculty, staff, students, student employees, graduate assistants, contractors, or volunteers must self-disclose felony or misdemeanor convictions that occur after hire/appointment within three (3) business days after conviction, according to UAH Policy.

Camps Directed by Non-UAH Entities

From time to time, non-university camps (Third-Party Vendors) and other educational programs or activities will be hosted on UAH's campus. The non-university party must secure a UAH host in order to utilize campus facilities. The relationship of the non-university party and UAH host must be captured in an agreement signed by both parties.

The agreement must include the following requirements from the non-university entity to ensure compliance and quality program experience for the participants:

Provide at least one administrative Program Director with responsibility for satisfactory operation of the camp, including:

maintaining discipline among the participants and compliance with University rules, including overseeing the care of residence hall property and observance of curfews; arranging for medical treatment in all cases of illness and injury occurring during the camp, including transportation to from a medical facility, and seeing that appropriate insurance forms and information are provided;

maintaining regular and open communication with the host office at the University, sponsors, residence hall residents, and residence hall personnel in order to avoid problems;

maintaining daily contact with the host office liaison to ensure that dining hall and program schedules are coordinated and observed;

maintaining regular daily liaison with the university host office to keep that office informed of the progress of the program and to receive messages and mail; and being on call 24 hours a day while the program is in session.

The parties must contractually agree that the third party is an independent contractor using the facilities of UAH to conduct a program. Nothing contained in the agreement or in the activities conducted shall constitute either party to be the agent, servant, or employee of the other party, nor create a partnership or joint venture relationship between the parties, and each party shall be fully and solely responsible for its own activities and obligations. Third parties must not hold themselves out or be or give the appearance of being an agent, servant, or employee of UAH.

Provide a list of all program staff and participants to the Director of Compliance prior to the start of program activities. The list should include all names, addresses, phone numbers and emergency contact information for staff and participants.

Conduct appropriate training consistent with the Child Protection Policy on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities.

Submit the university host entity all printed materials used in advertising camps held at the university.

Submit to the university host entity, at least one month prior to the start of the program, a certificate of insurance that requires a minimum of one million dollars in liability coverage. Sexual Assault and Molestation insurance coverage is required for all third-party groups conducting camps or events involving children on the UAH campus. The policy must meet the minimum coverage limits currently in effect as outlined in The University of Alabama in Huntsville Insurance Requirements Policy, and The Board of Trustees of the University of Alabama.

One-on-one interactions

One-on-one interactions are prohibited unless authorized by the Director of Compliance. Approved one-on-one interactions may take place only in open, well-illuminated spaces or rooms observable by other adults from activity or program.

Accountability

Individuals violating this UAH policy or the requirements of this Guidebook will be held accountable for their actions, which may include, but are not limited to:

Volunteers are subject to reprimand or loss of volunteer status; Students are subject to the Code of Student Conduct;

Faculty, staff and student employees are subject to corrective action up to and including termination;

Unit level sanctions, and;

Third-party providers are subject to punitive actions under the terms of their contract agreement, up to and including termination of contract.

Site visits may be coordinated by the Director of Compliance to promote compliance. Colleges, units, and individuals must participate in site visits as required.

Reporting and Investigations

Reporting of known or suspected cases of child abuse or neglect must be reported in accordance with the UAH Child Protection Policy and UAH Police must be contacted. Investigations of allegations of child abuse or neglect will be conducted in accordance with the investigatory protocols of children service agencies, local law enforcement agencies, and/or the University.

The law pertaining to Child Abuse and Neglect is AL Code 26-14, and can be found at: <http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/127821.htm>

DANGEROUS WEAPONS ON CAMPUS

The University seeks to maintain a welcoming and safe educational environment for students, employees, and visitors, and has adopted a policy addressing possession of dangerous weapons and firearms on campus.

Except as otherwise stated in the University Dangerous Weapons & Firearms Policy (06.02.05) or as otherwise allowed by law, the University prohibits the possession, transportation, and use of firearms and other dangerous weapons on campus. This policy applies to all persons on campus, including employees, students, contractors, and visitors. Students living in a residence hall may not possess firearms at any time in their room. UAH PD provides safe storage for firearms at its headquarters for firearms lawfully possessed.

Employees may not possess firearms on campus or while otherwise engaged in duties associated with their employment, except for a firearm properly secured in a personal vehicle in a manner consistent with Alabama state law.

Consistent with Alabama law, all persons (including concealed carry permits) are strictly prohibited from possessing firearms at certain locations, including where guards and other security features are employed, such as athletic events.

Persons on campus and in violation of University policy are trespassers and may be dealt with accordingly, including, but not limited to, being removed from campus and receiving a written directive to remain off campus. Contractors and vendors are expected to comply with policy and contract terms. Violations of Alabama law may be dealt with by appropriate law enforcement. Student violations may be addressed in accordance with the Code of Student Conduct Policy as well as other applicable policies and may include sanctions, up to and including expulsion. Employee violations may be resolved in accordance with employer policies, up to and including termination.

UNIVERSITY DANGEROUS WEAPONS & FIREARMS POLICY

Number 06.02.05

Division Human Resources

Date August 20, 2013

Purpose

The University seeks to maintain a welcoming and safe educational environment for students, employees, and visitors, and adopts this policy for possession of dangerous weapons and firearms on campus and at events. Definitions “Campus” means all property owned, leased or controlled by the University and any affiliated foundation or health care entity, including buildings and outdoor premises, such as parking lots and other outdoor property. “Dangerous weapon” is defined to include: Any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, or other projectile, whether loaded or unloaded, including those devices powered by CO2. Any explosive device, including fireworks. Any instruments/devices that are designed or

may be used as a weapon to injure or threaten another individual, including non-culinary knives with a blade greater than four (4) inches. □ A firearm, as defined herein, is not included in this definition of dangerous weapon. “Firearm” means a pistol, handgun, rifle, or shotgun and any ammunition. Policy Except as otherwise stated in this policy or as otherwise allowed by law, the University prohibits the possession, transportation, and use of firearms and other dangerous weapons on campus. This policy applies to all persons on campus, including faculty, staff, students, contractors, patients, and visitors. University students may not possess firearms at any time on campus, except as expressly authorized by the University Police Department (“UPD”). UPD provides temporary storage at its headquarters for firearms lawfully possessed by students. Dangerous weapons are not allowed on campus at any time. Any dangerous weapons may be confiscated.

Faculty and staff may not possess firearms on campus or while otherwise engaged in duties associated with their employment, except for a firearm properly maintained in a personal vehicle in a manner consistent with Alabama law. Consistent with Alabama law, all persons (including concealed carry permittees) are strictly prohibited from possessing firearms (1) at facilities which provide inpatient or custodial care of patients with psychiatric, mental or emotional disorders; and (2) at locations where guards and other security features are employed, such as athletic events. This Policy will be published in staff, faculty, and student handbooks, and supersedes any contrary provisions. Persons on campus and in violation of University policy are trespassers and may be dealt with accordingly, including, but not limited to, being removed from campus and receiving a written directive to remain off campus. Contractors and vendors are expected to comply with policy and contract terms. Violations of Alabama law may be dealt with by appropriate law enforcement. Student violations may be addressed in accordance with the Code of Student Conduct Policy as well as other applicable policies and may include sanctions, up to and including expulsion. Employee violations may be resolved in accordance with employer policies, up to and including termination. Exceptions This policy does not prohibit use or possession of dangerous weapons or firearms by (1) certified law enforcement officers acting within the scope of their employment; (2) private security, who with express prior permission of UPD, possess firearms or dangerous weapons while in the employ of the University or for a permitted event; and (3) members, coaches, and authorized staff of a recognized team or course who are acting within the scope of activities that UPD has pre-approved (e.g. ROTC members). This Policy also does not apply to law enforcement officers who are attending classes as students. If, however, law enforcement officers are not in uniform during class, they must keep their weapons concealed. Any other possession or use of dangerous weapons or firearms on campus must be authorized by UPD. Review The Human Resources Office is responsible for the review of this policy every five years (or whenever circumstances require).

Exceptions

This policy does not prohibit use or possession of dangerous weapons or firearms by (1) certified law enforcement officers acting within the scope of their employment; (2) private security, who with express prior written permission of UAHPD, possess firearms or dangerous weapons while in the employ of the University or for a permitted event; and (3) members, coaches, and authorized staff of a recognized team or course who are acting within the scope of activities that UAHPD has pre-approved (e.g. ROTC members).

This Policy also does not apply to UAHPD law enforcement officers who are attending classes as students. If, however, UAHPD law enforcement officers are not in uniform during class, they must keep their weapons concealed. No other individual may possess a firearm on campus, except for a lawfully possessed firearm properly maintained in the individual's privately-owned motor vehicle in a manner that satisfies all requirements and prerequisites of Alabama law.

Any other possession or use of dangerous weapons or firearms on campus must be authorized by UAHPD.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)

POLICY PROHIBITING SEXUAL MISCONDUCT

The University of Alabama in Huntsville ("UAH" or "the University") has developed this Title IX Sex Discrimination, Sexual Exploitation, Sexual Harassment, and Sexual Violence Policy (the "Sexual Misconduct Policy") pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as "Title IX"). UAH is committed to providing an environment that respects the dignity of its students, faculty, and staff and is free from all forms of sex discrimination, sexual harassment, and sexual violence, which, among other things identified in Section III and Appendix 1 to this Policy, includes gender-based assault, harassment, exploitation, dating and domestic violence, and stalking, as well as discrimination based on sex, gender, sexual orientation, gender identity, gender expression, pregnancy, and related retaliation (collectively referred to as "Prohibited Conduct").

The University expects individuals who live, work, teach, study within, or visit our University community to contribute positively to the environment and refrain from behaviors that threaten the freedom or respect that every member of our community deserves. Individuals who violate this Policy will be subject to corrective action up to and including termination from employment or expulsion from the University. The University will respond promptly and effectively to Reports of Prohibited Conduct and will take appropriate action to prevent its occurrence, correct and address its effects, provide Supportive Measures, and, when warranted, issue discipline for violations of this Policy.

The Interim Title IX Sex Discrimination, Sexual Harassment and Sexual Violence Policy is in Appendix B

RELEVANT DEFINITIONS (VAWA)

Dating Violence

UAH Definition - Violence committed by a person who is or has been in a social or "dating" relationship of a romantic, intimate, and/or sexual nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

UAH Definition - Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly suited to a spouse of the victim under the domestic or family violence laws of Alabama, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Alabama.

Federal Definition - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)

Domestic Violence as defined in the Alabama Criminal Code

§13A-6-130 Domestic Violence - First Degree:

((a)(1) A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20; aggravated stalking pursuant to Section 13A-6-91; or burglary in the first degree pursuant to Section 13A-7-5 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.

(2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.

(b) Domestic violence in the first degree is a Class A felony, except that the defendant shall serve a minimum term of imprisonment of one year without consideration of probation, parole, good time credits, or any other reduction in time for any second or subsequent conviction under this subsection.

(c) The minimum term of imprisonment imposed under subsection (b) shall be double without consideration of probation, parole, good time credits, or any reduction in time if either of the following occurs:

(1) A defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the first degree.

(2) The offense was committed in the presence of a child under the age of 14 years at the time of the offense, who is the victim's child or step-child, the defendant's child or step-child, or who is a child residing in or visiting the household of the victim or defendant. For purposes of this subsection, "in the presence of a child" means that the child was in a position to see or hear the act.

(d) The court shall make a written finding of fact, to be made part of the record upon conviction or adjudication, of whether or not the act was committed in the presence of a child. If a defendant has a trial by jury and the jury finds the defendant guilty, the jury shall also render a special verdict as to whether or not the defendant committed the act in the presence of a child.

§13A-6-131 Domestic Violence - Second Degree:

(a)(1) A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.

(2) For the purposes of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.

(b) Domestic violence in the second degree is a Class B felony, except the defendant shall serve a minimum term of imprisonment of six months without consideration of probation, parole, good time credits, or any reduction in time for any second or subsequent conviction under this subsection.

(c) The minimum term of imprisonment imposed under subsection (b) shall be double without consideration of probation, parole, good time credits, or any reduction in time if either of the following applies:

(1) A defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the second degree.

(2) The offense was committed in the presence of a child under the age of 14 years at the time of the offense, who is the victim's child or step-child, the defendant's child or step-child, or who is a child residing in or visiting the household of the victim or defendant. For purposes of this subsection, "in the presence of a child" means that the child was in a position to see or hear the act.

(d) The court shall make a written finding of fact, to be made part of the record upon conviction or adjudication, of whether or not the act was committed in the presence of a child. If a defendant has a trial by jury and the jury finds the defendant guilty, the jury shall

also render a special verdict as to whether or not the defendant committed the act in the presence of a child.

§13A-6-132 Domestic Violence - Third Degree:

(a)(1) A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.

(2) For the purpose of this section, a household member excludes non-romantic or non-intimate co-residents, and a dating relationship means a current or former relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement by either party.

(b) Domestic violence in the third degree is a Class A misdemeanor. The minimum term of imprisonment imposed under subsection (a) shall be 30 days without consideration of reduction in time if a defendant willfully violates a protection order issued by a court of competent jurisdiction and in the process of violating the order commits domestic violence in the third degree.

(c) A second conviction under subsection (a) is a Class A misdemeanor, except the defendant shall serve a minimum term of imprisonment of 10 days in a city or county jail or detention facility without consideration for any reduction in time.

(d) A third or subsequent conviction under subsection (a) is a Class C felony.

(e) If the defendant has a previous conviction for domestic violence in the first degree pursuant to Section 13A-6-130, domestic violence in the second degree pursuant to Section 13A-6-131, domestic violence by strangulation or suffocation pursuant to Section 13A-6-138, or a domestic violence conviction or other substantially similar conviction from another state or jurisdiction, a conviction under subsection (a) is a Class C felony.

(f) For purposes of determining second, third, or subsequent number of convictions, convictions in municipal court shall be included.

Stalking

UAH Definition – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

§13A-6-90 Stalking in the First Degree:

(a) A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.

(b) The crime of stalking in the first degree is a Class C felony.

§13A-6-90.1 Stalking in the Second Degree:

(a) A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.

(b) The crime of stalking in the second degree is a Class B misdemeanor.

§13A-6-91 Aggravated Stalking in the First Degree:

(a) A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.

(b) The crime of aggravated stalking in the first degree is a Class B felony.

§13A-6-91.1 Aggravated Stalking in the Second Degree:

(a) A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second degree.

(b) The crime of aggravated stalking in the second degree is a Class C felony.

§13A-6-92 Definitions:

As used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise.

(a) **COURSE OF CONDUCT.** A pattern of conduct composed of a series of acts over a period of time which evidences a continuity of purpose.

(b) **CREDIBLE THREAT.** A threat, expressed or implied, made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to fear for his or her safety or the safety of a family member and to cause reasonable mental anxiety, anguish, or fear.

(c) **HARASSES.** Engages in an intentional course of conduct directed at a specified person which alarms or annoys that person, or interferes with the freedom of movement of that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress. Constitutionally protected conduct is not included within the definition of this term.

§13A-6-70 Lack of Consent:

(a) Unless otherwise stated, an element of every offense defined in this article is that the sexual act was committed without the consent of the victim.

(b) Lack of consent results from either of the following:

(1) Forcible compulsion.

(2) Being incapable of consent.

(c) A person is deemed incapable of consent if he or she is either:

(1) Less than 16 years old.

(2) Incapacitated.

(d) Consent to engage in sexual intercourse, sodomy, sexual acts, or sexual contact may be communicated by words or actions. The existence of a current or previous marital, dating, social, or sexual relationship with the defendant is not sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant used a condom or other birth control device or sexually transmitted disease protection, without additional evidence of consent, is not sufficient to constitute consent.

UAH Definition of Consent

The term “consent” when describing different types of Prohibited Conduct (such as sexual assault) means a clear willingness to participate in the sexual act (e.g., clear communication through words or actions). While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. It is the responsibility of the initiator of any sexual activity to obtain consent.

Consent to any sexual activity must be freely given. Consent to a sexual act is not freely given if the individual is not capable of consenting, or if consent is obtained by force, threats, deception, or coercion. A lack of verbal or physical resistance does not grant consent. Previous consent does not grant consent to future sexual acts. Consent can be withdrawn at any time during a sexual act. Inability to give consent includes situations where an individual is:

- Incapacitated due to alcohol, drugs, or other substances including, but not limited to, prescription medication.
- Unconscious, asleep, or in a state of shock.
- Under the age of consent as defined by the jurisdiction in which the act occurred which is less than 16 years of age in Alabama.
- Mentally or physically impaired and not reasonably able to give consent.

PROCEDURES VICTIMS SHOULD FOLLOW WHEN REPORTING A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

After a violent incident of sexual assault or domestic violence, the victim should consider calling the Police as soon as possible after the crime is committed. Police will help a victim with obtaining medical attention either at the Emergency Room or at the Crisis Services of North Alabama, Inc. In Alabama, evidence may be collected even if the victim chooses not to make a report to law enforcement. If a victim is on or near the UAH campus and doesn't require emergency medical treatment for injuries, they may contact the UAH Police at 256-9824-6596, and the dispatcher will notify a police officer who will transport them to the Crisis Services SANE Facility. If off-campus, contact local law enforcement by dialing 911. University personnel will assist a student in notifying these authorities if the student requests assistance.

Crisis Services of North Alabama offers a range of free and confidential services, including a medical examination, forensic evidence collection, medical advocacy, crisis counseling, and legal advocacy services. A qualified physician or nurse will examine a victim for injuries and collect physical evidence that could be used in proceedings if she/he decides to prosecute. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the criminal offense occurred or may be helpful in obtaining a protection order.

In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or a sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

As time passes, evidence may become lost or unavailable, thereby making an investigation, prosecution, disciplinary proceedings, or obtaining protection from court orders difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with UAH Police or the appropriate law enforcement agency having jurisdiction, to preserve evidence in the event that the victim changes her/his mind later.

INVOLVEMENT OF LAW ENFORCEMENT AND CAMPUS AUTHORITIES

Although the University strongly encourages all members of its community to report a crime to police, it is the victim's choice whether to make such a report. Furthermore, victims have the right to decline involvement with the police. In Alabama, you may file a

police report without providing your name. The Title IX Coordinator or their designee will assist any victim with notifying local police (if the victim so desires). The UAH Police Department may also be reached directly by calling (256) 824-6596, or by reporting in person at 501 John Wright Drive.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, and do not wish to report it to the police, you should report the incident promptly to the Title IX Office in person in Shelbie King Hall, by telephone to 256.824.7854, via email to titleIX@uah.edu or at uah.edu/makeareport.

Reports of domestic violence, dating violence, sexual assault, and stalking made to UAH Police will automatically be referred to the Title IX Coordinator for outreach regardless if the complainant chooses to pursue criminal charges.

PROCEDURES THE UNIVERSITY WILL FOLLOW WHEN A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IS REPORTED

The University has procedures in place that help victims who report sexual assault, domestic violence, dating violence, and stalking. The Title IX Coordinator or their designee will contact the individual to address their immediate safety, to inform them of their right to file a formal complaint with the University and/or to file criminal charges, and to evaluate their need for supportive measures to assist their efforts to participate in their continued education through counseling, physical and mental health care, victim advocacy, legal assistance, visa and immigration assistance, academic modifications, and other services on and/or off campus. Additionally, the Title IX Coordinator may implement protective measures to prevent contact between a complainant and an accused party in UAH housing, academics, work environments and programs and activities. The University facilitates such supportive measures at the request of either party and if they are reasonably available regardless of whether the victim chooses to report the crime to the UAH Police Department (256) 824-6596 or other law enforcement agency or chooses to file a formal complaint with the University.

In addition to reporting to the police, any person may make a report of domestic violence, dating violence, sexual assault, and stalking to the Title IX Coordinator or a deputy coordinator. (See Below)

The University of Alabama in Huntsville (“UAH” or “the University”) has developed these Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints (the “Procedures”) pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as “Title IX”). These Procedures should be read in conjunction with the Title IX Sex

Discrimination, Sexual Exploitation, Sexual Harassment, and Sexual Violence Policy (the “Title IX Policy”), which includes additional information regarding applicable definitions, key terms, reporting options, available resources and other relevant topics.

These Procedures will be used to investigate and resolve all Formal Complaints of Sexual Harassment/Sexual Violence, as described within the definition of Prohibited Conduct in the Title IX Policy, brought against UAH students, faculty and staff members, affiliates, and nonaffiliates (i.e., someone not associated with UAH), as appropriate. All Reports or complaints covered by Title IX alleging sexual discrimination that do not fall within the category of Sexual Harassment or Sexual Violence, as defined in the Title IX Policy, will be investigated and resolved through the Procedures for the Resolution of Title IX Sex Discrimination Complaints (non-harassment) against Students or the Procedures for the Resolution of Title IX Sex Discrimination Complaints (non-harassment) Against Faculty, Staff, Affiliates, Non-Affiliates.

All other reports or complaints of discrimination against students, faculty and staff members, including but not limited to those based on race, color, religion, national origin, and age will be resolved using the Discrimination Complaint/Grievance Procedure and/or the Student Conduct Code.

Any conduct that does not rise to the level of Prohibited Conduct as defined in the Title IX Policy and/or falls outside the jurisdiction of the Title IX policy may be investigated and addressed pursuant to other applicable policies, including but not limited to: the Discrimination Complaint/Grievance Procedure, the Student Conduct Code, the Faculty Handbook, and/or the Staff Handbook.

All community members are strongly encouraged to report to the University any incident of Prohibited Conduct as defined in the Title IX Policy. Many University administrators are specifically trained to support individuals affected by Prohibited Conduct, and the University is fully committed to promoting a safe and healthy educational and work environment.

Reporting: All individuals, including a Complainant or witness, are encouraged to report Prohibited Conduct regardless of when or where it occurred, as soon as possible to maximize the University’s ability to respond promptly and effectively. The University may also initiate a Formal Complaint of Prohibited Conduct under certain circumstances. The University does not, however, limit the time frame for making a Report or filing a Formal Complaint.

Any person (whether the person reporting is the person alleged to be the victim of Prohibited Conduct) may make a report, including anonymously, of Prohibited Conduct to the persons below in person (during business hours) or by mail, by telephone, by email using the contact information below at any time, or online @ <https://www.uah.edu/charger360> including during non-business hours:

Title IX Coordinator:
Lauri Millot
Title IX/EEO Coordinator
SKH 358
256.824.7854
titleix@uah.edu

Deputy Title IX Coordinator for Students:
Scott Royce
Assistant Dean of Students
CGU 223
256.824.6235
scott.royce@uah.edu

Deputy Title IX Coordinator for Employees & Third Parties:
Laurel Long
Associate Vice President, Human Resources
SKH 116
256.824.2285
laurel.long@uah.edu

Office of Diversity, Equity and Inclusion:
Dr. Bryan Samuel
VP, Diversity, Equity, & Inclusion
256.824.4600
SSB 320
bryan.samuel@uah.edu

Other Resources

UAH Police — 256-824-6596 (non-emergency) or 256-824-6911 (emergency)
police@uah.edu

UAH Ethics Hotline — 866-362-9476

Crisis Services of North Alabama — 256-716-1000

UAH Faculty and Staff Clinic — 256-824-2100
Wilson Hall, Room 327

UAH Student Health Center — 256-824-6775
Wilson Hall, Room 325

UAH Counseling Services — 256-824-6203
Conference Training Center, Room 118

Huntsville Police Department
Emergency — 911
Non-Emergency — 256-772-7100

Rape, Abuse, and Incest National Network (RAINN) Hotline
800-656-4673

BYSTANDER INTERVENTION INFORMATION

Bystanders can play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. The University wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

Bystander Intervention Options: The University recognizes that there are preventive actions that can be taken by individuals on campus to reduce the potential for sexual violence generally. In specific situations, there are ways in which an individual who is aware that an incident of sexual violence may be imminent can intervene to stop it from occurring. There are also actions that may be taken to thwart or stop an incident that is taking place. These bystander options are described in the educational programs presented to new and current students and employees.

Risk Reduction

The University engages in comprehensive educational programming to prevent Prohibited Conduct, consisting of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students, faculty, and staff that include, but are not limited to the following topics:

- Identifying domestic violence, dating violence, sexual assault, and stalking as Prohibited Conduct;
- Defining what behavior constitutes as domestic violence, dating violence, sexual assault, and stalking;
- Defining what behavior and actions constitute consent to sexual activity in the State of Alabama;
- Providing safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Providing information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Providing an overview of information contained in this Annual Security Report in compliance with the Clery Act.

The University also provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education

and employment environment free from sex discrimination, sexual harassment, and sexual violence.

RESPONSIBLE REPORTING OFFICIALS OF SEXUAL MISCONDUCT

Designated employees who are required to notify the Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct. Responsible Reporting Officials include any individual employed by the University in one of the following identified departments or roles:

- Housing and Residential Life.
- Dean of Students Office.
- Office of Student Life.
- VPs, AVPs, and Directors.
- UAH Police.
- UAH Human Resources.
- Office of Diversity, Equity and Inclusion.
- Department of Athletics:
 - Director of Athletics.
 - Athletic Directors.
 - Head Coaches.
 - Assistant/Associate Coaches.
- Deans, Assistant Deans, Department Chairs, and Associate Chairs.

Responsible Reporting Officials do not have official authority to receive Formal Complaints of Prohibited Conduct or official authority to take corrective action on behalf of the University under the Policy.

All Responsible Reporting Officials are required to notify the Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct. The Responsible Reporting Official must report all relevant available details about the alleged policy violation, including the name of the Complainant, the Respondent, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident forming the basis of the alleged violation.

Employees with a Legal Obligation or Privilege of Confidentiality

Confidentiality and Privacy

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a Report or Formal Complaint of Prohibited Conduct under this Policy. The University is also committed to providing assistance to help students, employees, third parties, and visitors make informed choices. With respect to any Report or Formal Complaint of Prohibited Conduct under this Policy, the University will make

reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the Report and Formal Complaint and take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Privacy

To protect individual privacy, the University will only share information related to a Report or Formal Complaint of Prohibited Conduct with a limited circle of University employees who "need to know" to assist in the assessment, investigation, and resolution of the Report or Formal Complaint, as well as the implementation of Supportive Measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the University's Student Records (FERPA) Policy. The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA.

Confidentiality

Confidentiality exists in the context of laws that protect certain relationships, including those with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, attorneys, and ordained clergy, all of whom may engage in confidential communications under Alabama law. The University has designated individuals who have the ability to have privileged communications as "Confidential Employees." When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information.

For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Anonymous reports may be made via Charger 360 <http://www.uah.edu/Charger360> . Any investigation of an anonymous report will depend, in part, on the extent of the information provided.

Preserving Physical Evidence: It is important that any physical evidence of sexual misconduct be preserved, which will almost always be important in the investigation of the incident and in any criminal prosecution of the alleged perpetrator.

Prompt Reporting: Prompt reporting will facilitate the collection and preservation of physical evidence and make possible the early and timely investigation of the incident by

police authorities. It may prevent additional assaults on other individuals. Additionally, timelier medical and psychological attention may be made available to a victim who reports an incident without undue delay.

VICTIM ASSISTANCE RESOURCES AND INFORMATION

Medical and Counseling Resources:

Confidential professional counseling is available through the University's Counseling Services unit to a student who is the victim of sexual misconduct. Counseling Services may be contacted at 256-824-6203. Counseling resources for an employee may be obtained through the University's Employee Assistance Program by calling 1-800-925-5327 for referral to a local professional counselor. For those individuals suffering from physical trauma, the on-campus Student Health Center (256-824-6775) is available to provide some ongoing care for students, and the Faculty and Staff Clinic (256-824-2100) is an option for employees. Any of these offices may provide referrals for more extensive or specialized services in the community. Under University policy, the foregoing professional counselors and medical personnel are not obligated, when receiving information about an incident of sexual misconduct, to report it to the Title IX Coordinator or Deputy Title IX Coordinator in a way that identifies the victim without the party's consent.

The foregoing personnel are to inform a victim of the right to file a complaint of sexual misconduct with the Title IX Coordinator and also to file a criminal complaint with police authorities. They will offer assistance in the filing of these complaints, if desired.

Crisis Services of North Alabama may be contacted at 256-716-1000 and also offers free, confidential assistance to victims of sexual violence, including rape examinations and group counseling. The National Suicide Hotline may also be contacted at 1-800-273-8255.

Supportive Measures

The term "Supportive Measures" refers to non-disciplinary, non-punitive individualized services offered by the University as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without reasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Prohibited Conduct. Supportive measures cannot punish or discipline the Respondent.

Supportive measures are available to involved parties including Complainant(s), Respondent(s), and witnesses while the University is addressing, investigating, adjudicating, and responding to an allegation of Prohibited Conduct. Requests for

Supportive Measures should be made to the Title IX Coordinator, a Deputy Title IX Coordinator, or the Education and Resource Specialist, who serves as the point of contact for Supportive Measures and will work with the appropriate office(s) to ensure that any necessary Supportive Measures are provided.

A victim may request from University officials a change in class schedules, campus housing assignments, and work assignments as an accommodation to minimize contact and interaction with the alleged perpetrator. Such changes will be made, in an appropriate case and where feasible, on an interim basis pending the outcome of the University's resolution of charges of sexual misconduct brought by the victim. These accommodations are not dependent on the victim's filing of charges with police authorities.

Certain protective measures may be imposed by the University pursuant to its procedures where a student victim is subject to a significant risk of imminent or serious harm from an accused student. These measures include, with respect to the accused, interim suspension, interim suspension from housing, restriction from attending class, restriction from access to University facilities and property, a "no-contact" directive, etc., and they shall continue until completion of the disciplinary process. Protective measures, such as a suspension with or without pay, may also be implemented on an interim basis with respect to an accused employee and for the benefit of an employee victim at risk, where appropriate.

A victim may, if desired, seek judicial remedies, such as protective orders, restraining orders, "**No Contact**" orders, etc. University officials will provide information, if requested, to a victim about obtaining these remedies.

Disciplinary Procedures

Discrimination Complaint/Grievance Procedures: Sexual Misconduct, as defined in the Title IX policy, violates University policy, and a charge of any form of sexual misconduct (including stalking of a nature that constitutes the hostile environment form of sexual harassment) will be addressed through the University's Title IX Policy.

Sanctions and Remedies: Following a determination, under the Title IX Policy, that sexual harassment or misconduct occurred, the University may impose one or more disciplinary sanctions. The types of sanctions available are set forth in the University's Title IX Policy. Additional, non-disciplinary remedies to benefit the complainant and the broader student and/or employee populations may also be implemented by the University as part of its response to the misconduct and/or to prevent recurrence of the sexual misconduct.

AWARENESS AND PREVENTION PROGRAMS

Educational Efforts for New Students and Employees

Incoming students and new employees are provided an educational program designed to increase their knowledge of what constitutes sexual misconduct, the University's commitment to responding to reported incidents, whether through the internal Title IX procedures or with law enforcement, and prevention efforts. This program encompasses the following topics: the Title IX Sexual Misconduct Policy prohibiting behavior that constitutes any form of sexual misconduct; the definitions of the forms of sexual misconduct; the definition of consent as it relates to sexual activity; options for bystander intervention; warning signs; and information about reducing the risk of being the victim of sexual misconduct. It also provides information relating to victim reporting, victim's rights, University procedures for addressing charges of sexual misconduct, resources available to victims, confidentiality, and other matters required by law or reflected in University policy. This information is presented to new faculty prior to the beginning of the fall semester each year and to new employees at various times throughout the year as they are hired.

Current Students and Employees: The University also conducts ongoing, periodic educational programs for current students and employees covering the topics mentioned immediately above.

Environmental Factors: The University community is encouraged to help detect and report areas of the campus that may be unsafe due to poor lighting, the presence of structural or landscaping features (such as overgrown bushes near a walkway) that could increase the risk of attack, etc. These reports should be made to the Facilities and Operations Department and will be used to identify modifications that may help keep the campus safe. Such modifications will be a priority, consistent with considerations of cost, impact upon institutional operations, the extent of the risk, and other relevant factors.

Reducing the Risk of Committing Sexual Assault

Listen carefully. Take time to hear what the other person has to say. If you feel they are not being direct or are giving you a "mixed message" ask for clarification.

Don't fall for the cliché "if they say no, they really mean yes." If your partner says "no" to sexual contact, believe them and stop. If they seem uncomfortable or uncertain, stop and check in. It is never acceptable to force sexual activity, or to pressure, coerce, or manipulate someone into having sex, no matter the circumstances. The campus has employed a consent policy. Yes, means yes. Don't make assumptions about a person's behavior. Don't assume that someone wants to have sex because of the way they are dressed, they drink (or drink too much), or agree to go to your room. Don't assume that if someone has had sex with you before they are willing to do so again. Also, don't assume that if your partner consents to kissing or other sexual activities, they are

consenting to all sexual activities. Obtain clear consent for each sexual activity. Be aware that having sex with someone who is mentally or physically incapable of giving consent is rape. If you have sex with someone who is incapacitated due to alcohol or drugs, passed out, or is otherwise incapable of saying no or knowing what is going on around them, you may be guilty of rape.

Be careful in group situations; resist pressure from friends to participate in violent acts. Get involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene - or get help to do so.

REDUCING THE RISK OF SEXUAL MISCONDUCT

Make a plan. If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.

Protect your drink. Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.

Know your limits. Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.

Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.

If you feel you are being pressured or coerced into sexual activity, you have a right to state your feelings &/or leave the situation. If you are concerned about the other person becoming angry, it is okay to make up an excuse to leave or create time to get help.

Resource Information

The following is information for offices and organizations that may be able to help a student or an employee dealing with a sexual misconduct matter:

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, make out with, or have sex with people who are incapacitated.

- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.

- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend have been drugged, contact law enforcement immediately. Be explicit with the police and medical first responders.

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

PREVENTION AND AWARENESS

Prevention and Awareness Programs for New Students

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered*
Healthy Relationships and Dating Violence	September, January	Online Platform	DoV, DaV
Show Some Respect! Prevent Harassment (sexual harassment)	September, January	Online Platform	DaV, SA, S
Intervene Impressions (sexual assault & bystander Intervention)	September, January	Online Platform	DaV, SA, S

For New Employees

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered*
Workplace Harassment & Clery Training	Following hire	Online Platform	DoV, DaV, SA, S
Title IX Orientation	Orientation for all new Faculty members - Fall	TBA	DoV, DaV, SA, S

For Current Employees

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered*
Title IX Review	August- Annual for all Faculty and Responsible Reporting Authorities	Online Platform	DoV, DaV, SA, S

*DoV = Domestic Violence, DaV = Dating Violence, SA = Sexual Assault, and S = Stalking

CLERY CRIME STATISTICS FOR 2020-2022															
CRIMINAL INCIDENTS	ON CAMPUS			NON-CAMPUS			ON CAMPUS HOUSING*			PUBLIC PROPERTY			TOTALS†		
CLERY CRIMES															
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses--Rape	1	0	2	0	0	1	1	0	2	0	0	0	1	0	3
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	1	1	0	0	0	0	1	0	0	0	0	0	1	1
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	1	0	0	0	0	0	1	0	0	2	0
Aggravated Assault	1	0	0	0	0	0	1	0	0	0	1	0	1	1	0
Motor Vehicle Theft	0	1	2	0	0	1	0	0	0	0	0	0	0	1	3
Burglary	8	1	3	0	0	0	6	0	1	0	0	0	8	1	3
VAWA (VIOLENCE AGAINST WOMEN ACT)															
Stalking	2	1	15	0	0	0	0	0	9	0	0	0	2	1	15
Domestic Violence	0	0	0	0	0	0	0	0	0	2	2	0	2	2	0
Dating Violence	1	0	3	0	0	0	0	0	2	0	0	0	1	0	3
ALCOHOL, DRUG AND WEAPON ARRESTS AND DISCIPLINE REFERRALS															
Arrest for Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Discipline for Alcohol	28	0	15	0	0	0	27	0	14	0	0	0	28	0	15
Arrest for Drugs	7	3	3	0	0	0	0	0	0	10	17	0	17	20	3
Discipline for Drugs	18	14	4	0	0	0	17	10	1	0	0	0	18	14	4
Arrest for Weapons	0	0	0	0	0	0	0	0	0	3	0	0	3	0	0
Discipline for Weapons	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0
*On Campus Housing statistics are a subset of On Campus statistics															
†Totals = On Campus + Non-Campus + Public Property															

UAH POLICE DEPARTMENT REPORTED HATE CRIMES

The University is also required to disclose, as a further sub-group of campus crime statistics, the number of "hate crimes" reported to police. These crimes include certain offenses identified in the tables set forth above (except negligent homicide and liquor, drug, and weapons violations). In addition, the crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, and any other crimes involving bodily injury in which the victim was selected based on the offender's prejudice or bias. The types of prejudice or bias that renders one of the foregoing crimes reportable as a hate crime include that based on the victim's race or *perceived* race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability. Definitions for the additional crimes associated with bias, plus definitions of the listed types of bias can be found in Appendix A.

2022

No hate crimes reported

2021

One destruction/damage/vandalism of property, on campus location, because of victim's sexual orientation

2020

No hate crimes reported

Unfounded Clery Crimes

A crime is considered Unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. Unfounded Clery crimes are not counted in annual crime statistics.

2022

One Unfounded Burglary
One Unfounded Robbery

2021

Three Unfounded Burglaries

2020

One Unfounded Burglary

Note: Any incidents that may have been reported only to pastoral and professional counselors of the University are generally protected by privacy rights of the client or patient and are not included in any of the following statistics, nor for any Timely Warning notifications to the campus.

Additional Source of Statistical Information

The UAH Police Department has developed, and periodically reviews, procedures to include in reported crime statistics and for the purpose of creating Crime Alerts, reports of required crimes made to Campus Security Authorities (CSAs). Campus Security Authorities at UAH include Police Department employees; the University's Title IX Coordinator; Title IX Investigators; and any officials of the University who have significant responsibility for student and campus activities.

Although all CSAs are required to report crimes for inclusion in the statistics, UAH PD regularly collects crime statistic data from the Office of the Dean of Students, Housing and Residence Life, and the Title IX Coordinator, through a centralized reporting system called *Charger 360*.

DEFINITIONS OF REPORTABLE CLERY CRIMES

Murder/Manslaughter – The willful killing of one human being by another.

Negligent Manslaughter – The killing of another person through gross negligence.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Forcible sex offenses – Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

Non-forcible sex offense – Unlawful, non-forcible sexual intercourse, including incest and statutory rape.

Rape – An act where a person knowingly engages in sexual intercourse with a person through forcible compulsion, or where the other person is incapable of giving consent by reason of being physically helpless or mentally incapacitated.

Incest – If a person knowingly attempts to marry or engage in sexual intercourse with another person known to be legitimately or illegitimately an ancestor by blood or adoption, a brother or sister of whole or half-blood or by adoption, a stepchild or stepparent, while the marriage creating the relationship exists, or an aunt, uncle, nephew or niece by whole or half-blood.

Fondling – if a person knowingly subjects another person to sexual contact by forcible compulsion, or where the other person is incapable of giving consent by reason of being physically helpless or mentally incapacitated.

Statutory Rape – A person, being 16 years of age or older, knowingly engages in sexual intercourse with a person less than 16 and more than 12 years old, provided that the actor is more than two years older.

Robbery – The taking or attempting to take anything of value from the occupied car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – Unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

Drug Law Violations - The violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations - The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Weapons Law Violations - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens or convicted felons possessing deadly weapons; and all attempts to commit any of the aforementioned.

The telephone numbers below are provided as an easy reference:

University Numbers

**Police
256-824-6911**

**Housing & Residence Life
256-824-6108**

**Facilities & Operations
256-824-6480**

**Dean of Students
256-824-6700**

**Counseling Services
256-824-6203**

**Student Health Center
256-824-6775**

Other Numbers

Huntsville Police Department 256-722-7100

**Madison County Sheriff's Office
256-722-7181**

**Alabama State Troopers
256-518-9573**

**Crestwood Medical Center
256-429-4000**

**Huntsville Hospital Main
256-265-1000**

**Huntsville Hospital East
256-265-1000**

APPENDIX A - Definitions

Hate Crimes – Includes all of the crimes listed under reportable crimes that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

Larceny/Theft – Includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

Simple Assault – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism to Property (except Arson) – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Bias

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity – A preformed negative opinion or attitude toward an individual whose sense of being masculine, feminine, or other gendered may differ from his/her biological identity.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Ethnicity/National Origin – A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

**APPENDIX B - INTERIM
TITLE IX SEX DISCRIMINATION, SEXUAL HARASSMENT,
AND SEXUAL VIOLENCE POLICY**

Preface to Appendix B – The contact information in this policy has changed since the policy was updated. Here is the current contact information:

Title IX Coordinator:

Lauri Millot

Title IX/EEO Coordinator

SKH 358

256.824.7854

titleix@uah.edu

Deputy Title IX Coordinator for Students:

Scott Royce

Assistant Dean of Students

CGU 223

256.824.6235

scott.royce@uah.edu

Deputy Title IX Coordinator for Employees & Third Parties:

Laurel Long

Associate Vice President, Human Resources

SKH 116

256.824.2285

laurel.long@uah.edu

Office of Diversity, Equity and Inclusion:

Dr. Bryan Samuel

VP, Diversity, Equity, & Inclusion

256.824.4600

SSB 320

bryan.samuel@uah.edu

INTERIM

**TITLE IX SEX DISCRIMINATION, SEXUAL HARASSMENT,
AND SEXUAL VIOLENCE POLICY
PURPOSE**

The University of Alabama in Huntsville (“UAH” or “the University”) has developed this Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy (the “Policy”) pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as “Title IX”). UAH is committed to providing an environment that respects the dignity of its students, faculty, and staff and is free from all forms of sex

discrimination, sexual harassment, and sexual violence, which, among other things identified in Section III and Appendix 1 to this Policy, includes gender-based assault, harassment, exploitation, dating and domestic violence, and stalking, as well as discrimination based on sex, gender, sexual orientation, gender identity, gender expression, pregnancy, and related retaliation (collectively referred to as “Prohibited Conduct”).

The University expects individuals who live, work, teach, study within, or visit our University community to contribute positively to the environment and refrain from behaviors that threaten the freedom or respect that every member of our community deserves. Individuals who violate this Policy will be subject to corrective action up to and including termination from employment or expulsion from the University. The University will respond promptly and effectively to Reports of Prohibited Conduct and will take appropriate action to prevent its occurrence, correct and address its effects, provide Supportive Measures, and, when warranted, issue discipline for violations of this Policy.

POLICY

It is the responsibility of every member of the University community to foster an environment free of Prohibited Conduct. All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The University will support and assist community members who take such actions. Retaliating against an individual for making a claim of Prohibited Conduct or participating in the reporting, investigation, or resolution of a claim of Prohibited Conduct is also a violation of this Policy and constitutes Prohibited Conduct. So that the University may continue to foster a safe and respectful climate on campus as it relates to preventing and responding to acts of Prohibited Conduct, this Policy and related procedures have been created and serve to demonstrate the University’s commitment to:

- Prohibiting acts of sex discrimination, sexual harassment, and sexual violence;
- Disseminating clear policies and procedures for responding to Prohibited Conduct of which the University has actual knowledge and jurisdiction as defined by Title IX;
- Delivering primary prevention and awareness programs and ongoing training and education campaigns to students and employees so they may identify Prohibited Conduct; understand how to report Prohibited Conduct; recognize warning signs of potentially abusive behavior and ways to reduce risks; and learn about safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Prohibited Conduct;
- Conducting prompt, fair, and equitable investigations of Reports of Prohibited Conduct;
- Supporting and providing assistance to both Complainants and Respondents;
- Holding individuals who violate this Policy accountable; and
- Providing a written explanation of the rights and options available to every UAH student or employee that has been the victim of Prohibited Conduct.

It is the intent of this Policy and its related procedures to accomplish the following:

- Identify the Title IX Coordinator and Deputy Title IX Coordinators and describe their roles;
- Outline how Reports of Prohibited Conduct can be made to the University and what Supportive Measures and resources are available both on and off campus to aid them, including the right of students and employees to report (or decline to report) Prohibited

Conduct that potentially constitutes a crime to local law enforcement authorities;

- Provide information about how Reports of Prohibited Conduct are received, assessed, investigated, and resolved; and
- Remedy the discriminatory effects of Prohibited Conduct on Complainants and others as appropriate.

Any conduct that does not rise to the level of Prohibited Conduct (as defined in Section III) and/or falls outside the jurisdiction of this Policy (as described in Section II) may be investigated and addressed pursuant to other applicable policies, including, but not limited to, UAH's Equal Opportunity and Affirmative Action Policy, Code of Student Conduct, Discrimination Complaint/Grievance Procedures, Faculty Handbook, and Staff Handbook.

I. RELEVANT DEFINITIONS

Actual Knowledge: UAH obtains "actual knowledge" of Prohibited Conduct when the Title IX Coordinator or a Deputy Title IX Coordinator receives a Report of Prohibited Conduct. For purposes of this Policy and its related procedures, the Title IX Coordinator and Deputy Title IX Coordinators are the only University officials who have authority to institute corrective measures under this Policy.

Complainant: An individual who is alleged to be the victim of Prohibited Conduct and is participating in, or attempting to participate in, UAH's education programs or activities or is employed by UAH.

Confidential Employee: (1) Any University employee who is a licensed medical, clinical, or mental health professional (e.g., physicians, nurse practitioners, nurses, professional counselors, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient ("health care provider"), and (2) any University employee providing administrative, operational, and/or related support to such health care providers in the performance of such services. Confidential Employees may not report any information about an incident to the Title IX Coordinator without obtaining written permission to do so by the person who disclosed the information. Confidential Employees may have reporting obligations under state or federal law. For instance, healthcare providers are required to notify law enforcement when a victim seeks treatment for injuries related to a violent crime, including sexual assault. Similarly, all University employees are required to notify law enforcement when they receive a report of sexual abuse of a minor.

Deputy Title IX Coordinators: The University has designated Deputy Title IX Coordinators who are trained to work with the Title IX Coordinator in assisting students and employees with concerns, Reports, and/or Formal Complaints of Prohibited Conduct, and directing them to needed resources. They notify the Title IX Coordinator of all concerns, Reports, and/or Formal Complaints of Prohibited Conduct they receive, and work closely with the Title IX Coordinator in investigating and promptly responding to all such concerns, Reports, and/or Formal Complaints. The Deputy Title IX Coordinators assist with identifying and providing Supportive Measures that a party may need during the investigation of a Report or Formal Complaint. The Deputy Title IX Coordinators may serve as a designee for the Title IX Coordinator in any case where a conflict of interest exists that may prohibit the Title IX Coordinator from providing fair and impartial oversight.

Formal Complaint: An official document filed by a Complainant with the Title IX

Coordinator or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate and resolve the alleged Prohibited Conduct. To file a Formal Complaint, a Complainant must be participating in, or attempting to participate in, UAH's education programs or activities or employed by UAH. Formal Complaints cannot be made anonymously except for Formal Complaints filed by the Title IX Coordinator when the Title IX Coordinator believes that with or without the Complainant's willingness to participate in a grievance process, it would be clearly unreasonable in light of known circumstances not to address the Formal Complaint. Preponderance of the Evidence Standard: The standard of proof used to adjudicate Formal Complaints of Prohibited Conduct. This standard requires that "it is more likely than not" that the Prohibited Conduct occurred.

Report of Prohibited Conduct: An allegation made verbally or in writing by any person alleging Prohibited Conduct against a Respondent. The person making a Report of Prohibited Conduct need not be the alleged victim of the Prohibited Conduct. Reports may be made anonymously as outlined in Section IV.B. of this Policy.

Respondent: An individual who has been reported to be the perpetrator of Prohibited Conduct.

Responsible Reporting Officials: Designated employees who are required to notify the Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct. Responsible Reporting Officials include any individual employed by the University in one of the following identified departments or roles:

- Housing and Residential Life
- Dean of Students Office
- Office of Student Life
- VPs, AVPs, and Directors
- UAH Police
- UAH Human Resources
- Office of Diversity, Equity and Inclusion
- Department of Athletics:
 - Director of Athletics
 - Senior Associate Athletic Directors
 - Head Coaches
 - Assistant/Associate Coaches
- Deans, Assistant Deans, Department Chairs, and Associate Chairs

Responsible Reporting Officials do not have official authority to receive Formal Complaints of Prohibited Conduct or official authority to take corrective action on behalf of the University under this Policy.

Student: Any person who has applied for admission to, been admitted to, or is enrolled at the University, and is pursuing undergraduate, graduate, or professional studies, whether in a full-time or part-time status, as well as any person attending classes on campus, online, or off campus. A student is also:

- Any person who is not officially enrolled for a particular term, but has a continuing relationship with the University;
- Any person who is admitted and participating in orientation;
- Any person who has completed an academic term and can be reasonably expected to enroll the following term; and/or
- Any person who attended the University during a previous academic term and who

committed an alleged violation of the Code of Student Conduct during the time of enrollment.

Student organization: Any group of students that has complied with the University's requirements for registration as a student organization.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint of Prohibited Conduct or where a Report has been made but no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to UAH's educational programs or activities for a Complainant or a Respondent without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UAH's educational or employment environment or deter Prohibited Conduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures.

Title IX Coordinator: The University has a designated Title IX Coordinator who oversees the implementation and enforcement of this Policy, including the implementation of Supportive Measures, compliance with applicable rules and regulations, and coordination of communications between campus and community partners. The Title IX Coordinator will meet with any person, including a Complainant, Respondent, or third party, to discuss Supportive Measures, available resources, and procedural options for on-campus and off-campus

reporting. Any student, faculty, or staff member who has concerns about Prohibited Conduct is encouraged to seek the assistance of the Title IX Coordinator.

Title IX Investigator: A Title IX investigator is the Title IX Coordinator, a Deputy Title IX Coordinator, or other individual designated by the Title IX Coordinator who conducts the investigation of a Formal Complaint involving a potential violation of this Policy. One or more investigators may be assigned to conduct the investigation. Investigations involving students may include assistance from the Office of Student Ethics and Education. Investigations involving employees may include assistance from UAH Human Resources.

II. JURISDICTION (TO WHOM;WHERE THIS POLICY APPLIES)

The University has jurisdiction to address, investigate, and adjudicate Reports and Formal Complaints of Prohibited Conduct when the University has control over the Respondent and the conduct occurs in the course of a UAH educational program or activity. This Policy applies to all UAH students, residents, employees, and post-doctoral researchers, and to others, as appropriate, with respect to education programs and activities occurring on University premises or property and/or in University-related activities occurring off-campus (but does not apply to University programs or conduct occurring outside the United States). This Policy also applies to the activities of University-recognized student organizations, including, but not limited to, fraternities, sororities, social clubs, and organizations including any building owned or controlled by a recognized student organization. It also applies to persons conducting business with or visiting the University, even though such persons are not directly affiliated with the University. This Policy applies to acts of Prohibited Conduct committed by or against students, employees, and third parties of which the University has Actual Knowledge and when:

- The conduct occurs on campus or property owned or controlled by the University;
- The conduct occurs in the context of the University's employment or education programs or activities, including, but not limited to, research, on-line, academic or professional conferences, or internship programs; or
- The conduct occurs outside the context of the University's employment or education programs or activities, but the Complainant has to interact with the Respondent while on campus or property owned or controlled by the University or in any employment or education program or activity or where the effects of the underlying Prohibited Conduct creates a hostile environment in the Complainant's workplace or educational environment.

Even if this Policy does not apply to the Prohibited Conduct because of its location, the University will provide Supportive Measures and when possible take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

The University recognizes Prohibited Conduct under this Policy may also involve discrimination and/or harassment related to an individual's race, color, ethnicity, national origin, religion, age, disability, or other protected class. Such discrimination or harassment, while not encompassed within this Policy, may violate state and federal laws other than Title IX, as well as University policy. Under these circumstances, the University will endeavor to coordinate the investigation and resolution of the Prohibited Conduct complaint with the investigation and resolution of the complaint of discrimination or harassment based on other protected classes.

III. PROHIBITED CONDUCT

Under this Policy, Prohibited Conduct is defined as conduct that is deemed, by a preponderance of the evidence standard, to meet the definitions of Sex Discrimination, Sexual Harassment, or Sexual Violence as described below and in Appendix 1 to this Policy (whether defined by University Policy, or by state or federal laws). Additionally, to the extent that federal or state laws addressing gender-based conduct that could be deemed Prohibited Conduct are created or amended, engaging in such conduct (as proven by a preponderance of the evidence) shall be considered a violation of this Policy even if the definitions below have not been updated to reflect the most recent additions to or changes in the law.

A. SEXUAL DISCRIMINATION:

Sex discrimination prohibited by this Policy is defined as the exclusion from participation in, denial of benefits from, or subjection to unfavorable treatment in any University educational or employment-related program or activity on the basis of gender, sexual orientation, gender identity, or gender expression.

B. SEXUAL HARASSMENT:

Sexual harassment prohibited by this Policy is defined as conduct based on gender, sexual orientation, gender identity or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, that satisfy one or more of the following:

1. A University employee makes submission to or rejection of unwelcome sexual conduct, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or

2. Unwelcome conduct based on sex, gender, sexual orientation, gender identity or gender expression that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's educational programs or activities or creates a hostile working environment¹; or
3. Sexual assault, dating violence, domestic violence, or stalking as those terms are defined below.

¹ A "hostile environment" exists when the conduct is sufficiently severe, pervasive and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

C. SEXUAL VIOLENCE

Sexual Violence (which also constitutes sexual harassment under this Policy) is defined to include sexual assault/rape, sexual assault/fondling, incest, statutory rape, sexual exploitation, intimate partner violence (composed of dating violence and domestic violence), and stalking.

1. **Sexual Assault/Rape (non-consensual sexual penetration):** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant. Attempts to assault or commit sexual assault are also included; however, statutory rape and incest are excluded.
2. **Sexual Assault/Fondling (non-consensual sexual contact):** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity. For purposes of this definition, "private body parts" include an individual's genitalia, breasts, groin, or buttocks.
3. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. The age of consent is determined by the applicable age of consent for the jurisdiction where the alleged sexual intercourse occurred. In Alabama, the age of consent is 16 years old.
5. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
 - Causing or attempting to cause the incapacitation of another individual for sexual purposes;
 - Electronically recording, videoing, photographing, or transmitting sexual sounds or images of another individual against that person's will or without

their consent;

- Allowing a third-party to observe sexual acts without all parties' consent;
- Prostituting another individual;
- Exposing one's genitals without consent for the purpose of sexual gratification;
- Intentionally exposing another's genitals or intimate body parts without their consent;
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Possessing and/or disseminating child pornography; or
- Knowingly exposing another individual to a sexually transmitted disease/infection or HIV without their consent.

6. Intimate partner violence – Dating violence: Violence committed by a person who is or has been in a social or “dating” relationship of a romantic, intimate, and/or sexual nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

7. Intimate partner violence – Domestic violence: Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Alabama, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Alabama.

8. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

D. Failure to Comply

Failure to comply means failure to comply with directions of the University officials, who include, but are not limited to, an employee of the Title IX Office or the Office of Student Ethics and Education, or law enforcement officers acting in performance of their duties. For purposes of this Policy, failure to comply includes a failure to comply with a No Contact Order or other directives by the Title IX Office or the Office of Student Ethics and Education in response to a Report of alleged Prohibited Conduct where an individual's failure to comply directly impacts the other party or parties to the No Contact Order.

E. Retaliation

Retaliation is any action that has the effect of punishing a person for engaging in a legally protected activity under Title IX, such as alleging Prohibited Conduct, filing a Formal Complaint, assisting or participating in an investigation, proceeding or hearing of such a Formal Complaint, refusing to participate in any manner in an investigation, proceeding or hearing under this Policy or advocating for others' Title IX rights. Examples of retaliatory actions include suspension, demotion, or termination in the employment context; lowering a grade or dismissing a student from a program; or maliciously and purposefully interfering

with, threatening, or damaging the academic or professional career of another individual before, during, or after the investigation and resolution of a Report or Formal Complaint of Prohibited Conduct. This Policy prohibits retaliation in the form of harassment, intimidation, threats, or coercion, or in the form of any materially adverse harm that would dissuade a reasonable student, employee, or third party from filing a complaint or participating in a Prohibited Conduct related investigation or hearing.

Intimidation, threats, coercion, or discrimination, including bringing charges against an individual for violating other UAH policies that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a Report or Formal Complaint of sexual harassment, for the purposes of interfering with any right or privilege secured by Title IX constitutes retaliation.

F. Related Terms

Course of Conduct: The term “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Examples of such acts include, but are not limited to: following another person; lying in wait; engaging in excess communications, including any attempt to intentionally and repeatedly make contact with a person over their stated objections for the purpose of harassing or alarming them; or threatening a person or a person’s family, friends, or property.

Stalking: Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact.

Reasonable Person: A person under similar circumstances and with similar identities to the Complainant.

Substantial Emotional Stress: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Consent: The term “consent” when describing different types of Prohibited Conduct (such as sexual assault) means a clear willingness to participate in the sexual act (e.g., clear communication through words or actions). While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Nonverbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. It is the responsibility of the initiator of any sexual activity to obtain consent.

Consent to any sexual activity must be freely given. Consent to a sexual act is not freely given if an individual is not capable of consenting, or if consent is obtained by force, threats, deception, or coercion. A lack of verbal or physical resistance does not grant consent.

Previous consent does not grant consent to future sexual acts. Consent can be withdrawn at any time during a sexual act. Inability to give consent includes situations where an individual is:

- Incapacitated due to alcohol, drugs, or other substances including, but not limited to, prescription medication.²
- Unconscious, asleep, or in a state of shock.
- Under the age of consent as defined by the jurisdiction in which the act occurred, which, in Alabama, is less than 16 years of age.
- Mentally or physically impaired and not reasonably able to give consent.

The terms “coercion” means the use of expressed or implied threats or intimidation that would place a reasonable person in fear of immediate harm for the purpose of obtaining sexual favors. Threatening or intimidating behavior may include emotional abuse, threats to reputation, public humiliation, threats to others and possessions (including pets), or financial harm, among others.

² In incidents involving the use of alcohol, drugs, or other mind-altering substances, the totality of the circumstances shall be analyzed to determine whether the use of those substances caused a party to be unable to consent to sexual activity. Factors the

University will consider include, but are not limited to, the following:

- Whether a party was conscious or unconscious;
- Whether a party became sick due to intoxication;
- Whether a party exhibited signs of intoxication, including inability to communicate, slurred speech, lack of coordination in walking or performing simple tasks, or any other evidence indicative of impaired cognitive functioning; or
- Whether a Respondent knew or reasonably should have known of a Complainant’s ability or inability to give consent due to the use of alcohol, drugs, or other mind-altering substances.

The existence of any one of these factors may support a finding that a party was unable to consent to sexual activity. The mere fact

that an individual was under the influence of alcohol, drugs, or other mind-altering substances, however, does not create a presumption that the individual was unable to consent. Also, an individual’s use of alcohol, drugs, or other mind-altering substances

does not diminish that individual’s responsibility to obtain consent if that individual is the one who initiates sexual activity.

IV. REPORTING INCIDENTS OF PROHIBITED CONDUCT

This section provides instructions on how, when, and to whom to make a Report or file a Formal Complaint of Prohibited Conduct, as well as matters related to such reports.

A. Timeliness of Report or Formal Complaint of Prohibited Conduct

All individuals, including a Complainant or witness, are encouraged to report Prohibited Conduct regardless of when or where it occurred, as soon as possible to maximize the University’s ability to respond promptly and effectively. The University may also initiate a Formal Complaint of Prohibited Conduct under certain circumstances. The University does not, however, limit the time frame for making a Report or filing a Formal Complaint. If the Respondent is no longer a student or employee at the time of the Report or Formal Complaint, or the alleged Prohibited Conduct occurred outside the United States, or if the alleged Prohibited Conduct did not occur on campus, in the context of a University education program or activity, or have continuing adverse effects on campus or in an offcampus education program or activity, the University may not be able to fully investigate nor take disciplinary action against the Respondent. In each instance, the University will still provide Supportive Measures to a Complainant designed to end the Prohibited Conduct, prevent its recurrence, and address its effects.

B. How to Make a Report or File a Formal Complaint

Any person (whether the person reporting is the person alleged to be the victim of Prohibited Conduct) may make a Report, including anonymously, of Prohibited Conduct to the persons below in person (during business hours) or by mail, by telephone, or by email using the contact information below at any time, including during non-business hours:

• **Title IX Coordinator:**

Laterrica Shelton
The University of Alabama in Huntsville
SSB 320
256-824-6899
lks0020@uah.edu

• **Deputy Title IX Coordinator for Students:**

Scott Royce
Title IX Coordinator
CGU 223
256.824.6235
scott.royce@uah.edu

• **Deputy Title IX Coordinator for Employees & Third Parties:**

Laurel Long
SKH 116
256.824.2285
laurel.long@uah.edu

• **Equity Intake Officer:**

Brandie Roberts
256.824.4611
SSB 320E
brandie.roberts@uah.edu

**See Note at Top
Of Appendix B For
Current Contacts**

Reports can also be made to any Responsible Reporting Official listed in Section I above, who shall forward them to the Title IX Coordinator. If the person to whom a Report normally would be made is the Respondent, the Report may be made to another Responsible Reporting Official.

Anonymous Reports may be submitted online at: <https://www.uah.edu/Charger360> .

In cases where the Report was made anonymously or by a third party (such as a family member, friend, roommate, advisor, or faculty member), the Title IX Policy will apply in the same manner as if the Complainant had made the initial Report. The University's ability to respond to an anonymous Report may be limited and may only include the ability to provide Supportive Measures. The Title IX Coordinator or designee will make every effort to meet with the Complainant to discuss available options and on-campus and offcampus resources.

All Formal Complaints must be filed with the Title IX Coordinator. A Complainant can submit a Formal Complaint by mail or by email using the contact information above at any time, including during non-business hours. A Formal Complaint cannot be anonymous except for Formal Complaints filed by the Title IX Coordinator.

C. Emergency/ Immediate Assistance

The University encourages all community members affected by Prohibited Conduct to seek immediate assistance. Doing so promptly may be important to ensure physical safety or obtain medical care or other support. It may also be necessary to preserve evidence, which can assist the University or law enforcement in responding effectively. Assistance is available from the UAH Police (UAHPD) 24 hours a day, seven days a week at 256.824.6596. The UAHPD will investigate every incident reported to them to determine

if a crime has been committed. The UAHPD will also inform the Title IX Coordinator of the incident. Any criminal investigation by UAHPD or other law enforcement agency is independent from any investigation undertaken by the Title IX Coordinator under the Title IX Policy. Victims of Prohibited Conduct are not required to report to law enforcement to receive assistance from or pursue any options provided by UAH under this or other applicable policies.

D. Amnesty for Personal Ingestion of Alcohol or Other Drugs

The University community views the safety of our students as a top priority. A student who is under the influence of alcohol or drugs at the time of an incident should not be reluctant to seek assistance for that reason. The University will not pursue disciplinary violations against a student or against a witness for being under the influence of alcohol or drugs (e.g., underage drinking) if the student is making a good faith Report of Prohibited Conduct or participating in an investigation of Prohibited Conduct. The Title IX Coordinator (or designee) may, however, refer a student to substance abuse assessment and counseling depending on the circumstances of the individual situation. Thus, for purposes of this Policy, students who report potential Prohibited Conduct or participate in an investigation of Prohibited Conduct and reveal a potential violation of UAH policy relating to drug or alcohol use may not be sanctioned for such drug or alcohol violations.

E. False Allegations or False Statements

A Report or Formal Complaint of alleged Prohibited Conduct may not be substantiated, but a lack of corroborating evidence should not discourage a person from reporting an alleged incident and seeking relief under this Policy. All Reports and Formal Complaints should be made in good faith, meaning the individual making the Report or Formal Complaint has a reasonable belief that the allegations are true and relate to a potential violation of University policy.

A Report or Formal Complaint made in bad faith is one that is intentionally dishonest, frivolous, or malicious. When a Report or Formal Complaint is made in bad faith, it may deter other individuals from filing good faith Reports, unnecessarily expend University and law enforcement resources, distract University and law enforcement officials from investigating good faith Reports, and cause harm to the alleged Respondent and the community. It is a violation of this Policy to report intentionally dishonest, frivolous, or malicious allegations of Prohibited Conduct or make a materially false statement in bad faith in the course of an investigation or adjudication of a Formal Complaint. If a Report or Formal Complaint is brought in bad faith, as demonstrated by a preponderance of the evidence, disciplinary action may be taken against the person making the Report or Formal Complaint. In addition to violating this Policy, a person filing a bad faith Report or Formal Complaint may be in violation of other University policies or state law.

F. Preservation of Information and Tangible Material

Preservation of information and tangible materials related to Prohibited Conduct is important for both law enforcement investigators and campus investigations. Therefore, Complainants, Respondents, witnesses, or others reporting possible violations of this Policy are encouraged to preserve all information and tangible material relating to the incident. Examples include electronic information (e.g., emails, text messages, etc.), photographs, clothing, bedding, and medical information. In the case of medical

information, prompt examination can be critical.

G. Public Awareness Events and IRB Research

Responsible Reporting Officials are not required to report information disclosed (1) at public awareness events (e.g., Take Back the Night, protests) or (2) during participation in an Institutional Review Board-approved human subject research protocol (“IRB Research”). The University may provide information about Title IX rights and about available University and community resources and support at Public Awareness Events. Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB Research.

H. Reporting of Crimes and Disciplinary Statistics

The University has certain reporting obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (Clery Act), with regard to incidences of sexual misconduct and violence, including issuing timely warnings as necessary. A copy of the University’s annual Clery report can be found at <https://www.uah.edu/safety> . Reports of Prohibited Conduct made to the Title IX Coordinator may also prompt a limited disclosure to UAHPD. Such disclosures will not contain the identity of the reporting party except in situations where the reporting party has consented to release their name and/or where there is an imminent threat to health or safety.

I. Mandatory Reporting of Child Abuse

For child protection purposes, a child is any person under 18 years of age. A freshman student, a “dual enrolled” high school student, or a summer camp participant, among others, may fall into the category of a “child.” Alabama law imposes a mandatory reporting duty of known or suspected child abuse on certain individuals, including all University employees, who must report to The University of Alabama in Huntsville Police Department (UAHPD). University policy implementing the law also encourages students, volunteers, and representatives as well as third-party vendors and their employees, representatives, or volunteers that contract for use of University facilities with responsibilities that involve interaction with children to report (orally and then in written form) known or suspected child abuse to UAHPD. Sexual abuse, which is one element of the more comprehensive term “abuse” under Alabama law, includes actual or attempted rape, molestation, sexual exploitation, etc. To review a complete copy of the University’s policy and procedures relating to reporting potential child abuse, including how to report to UAHPD, please review the Child Abuse Reporting Policy and Procedures visit <https://www.uah.edu/compliance/child-protection-policy>.

J. Responsible Reporting Officials

All Responsible Reporting Officials as defined in Section I are required to notify the Title IX Coordinator if, in the course of their employment, they receive a Report of Prohibited Conduct. The Responsible Reporting Official must report all relevant available details about the alleged policy violation, including the name of the Complainant, the Respondent, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident forming the basis of the alleged violation.

VII. PROCEDURES FOR RESPONDING TO PROHIBITED CONDUCT

This section provides an overview of the procedures the University uses to respond to Reports and Formal Complaints of Prohibited Conduct. While the Title IX Coordinator has general responsibility for oversight of the investigation and resolution of all Reports and Formal Complaints, Deputy Title IX Coordinators and other departments (Student Affairs, Provost's Office, Human Resources, etc.) may be involved and consulted as necessary.

A. Which Procedures Apply?

The specific set of procedures used to respond to Reports and Formal Complaints of Prohibited Conduct is determined by the status of the Respondent's relationship with the University, as well as the nature of the alleged Prohibited Conduct:

- Formal Complaints of Sexual Harassment will be addressed pursuant to the Procedures for Resolution of Title IX Sexual Harassment and Sexual Violence complaints.
- Report and Complaints of Sex Discrimination (non-harassment), allegations of Failure to Comply, and allegations of Retaliation against student respondents will be addressed pursuant to the Procedures for the Resolution of Title IX Sexual Discrimination Complaints (non-harassment) Against Students ("Student Procedures").
- Reports and Complaints of Sex Discrimination (non-harassment), allegations of Failure to Comply, and allegations of Retaliation against faculty and staff respondents, as well as non-affiliates, will be addressed pursuant to the Procedures for the Resolution of Title IX Sex Discrimination Complaints (non-harassment) Against Faculty, Staff, Affiliates, and Non-Affiliates ("Faculty and Staff Procedures").
- Formal Complaints that include allegations of both sexual harassment and sex discrimination (non-harassment) will be addressed pursuant to the Procedures for Resolution of Title IX Sexual Harassment and Sexual Violence complaints.

These procedures provide for a prompt and equitable response to Reports and Formal Complaints of Prohibited Conduct, including allegations of Retaliation. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation, any adjudication hearing, and ultimate resolution of Reports and/or a Formal Complaint of Prohibited Conduct.

In instances where the Respondent is both a student and an employee, the Title IX Coordinator will determine which of the procedures will apply based on facts and circumstances of a particular incident, such as which role predominates and the role most applicable in the incident and the context in which the alleged conduct occurred.

The University's ability to take appropriate action against a Third-Party will be determined by the nature of the relationship of the Third-Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University's commitment to a prompt and equitable process consistent with federal law, federal guidance, and this Policy³.

³ For complaints of Prohibited Conduct under investigation prior to the August 14, 2020, the effective date of this Policy, the prior Title IX Policy and procedures shall continue to apply.

B. Advisors

Complainants and Respondents are entitled to be accompanied and assisted by an advisor of their choice in all interactions involving the Title IX Office, including the investigation

interviews, and, if applicable, a subsequent Title IX hearing. Advisors may not actively participate in the process or speak on behalf of the Complainant or Respondent except as set forth in the applicable resolution procedures. Complainants and Respondents may choose but are not required to have an attorney serve as their advisor.

C. Conflict of Interest

The Title IX Coordinator, Deputy Title IX Coordinators, Title IX Investigators, and Hearing Officers must not have a conflict of interest or bias for or against Complainants or Respondents generally or against an individual Complainant or Respondent. Whether bias exists requires examination of the particular facts of a situation. A determination of bias must be based on an objective evaluation of the available facts (i.e., whether a reasonable person would believe bias exists).

Any person exercising investigative or decision-making authority under this Policy who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority, shall disclose the potential conflict/bias to the Title IX Coordinator (or designee) as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative investigator or decisionmaker in the case at issue. Furthermore, if the Complainant or the Respondent believes a person exercising investigative or decision-making authority under this Policy has a conflict of interest or bias relating to the Complainant or Respondent that would prevent the person from exercising their authority impartially, the Complainant or Respondent may make a prompt objection to the Title IX Coordinator (or designee) within five (5) business days of becoming aware of the potential conflict or bias.

If the Complainant or the Respondent believes the Title IX Coordinator has a conflict of interest or bias, such objection should be made to a Deputy Title IX Coordinator (or designee). Regardless of the time period, such objection must occur before the Title IX Coordinator (or designee) makes a final determination as to responsibility under the Policy.

If the objection as to a conflict or bias is made with respect to a Hearing Officer, or the chair of the panel or a member of a hearing panel, such objection must occur before the scheduled hearing. If the Title IX Coordinator (or designee) determines that the objection is reasonable, the challenged person will be replaced. The decision of the Title IX Coordinator, Deputy Title IX Coordinator, or designee regarding a challenge will be final. Knowledge of or acquaintance with the Complainant, Respondent, or witnesses in a matter; awareness of a matter; participation as a consequence of one's official role in events surrounding a matter; and/or participation in the investigation process prior to the formal disciplinary process does not automatically result in the finding of a disqualifying conflict; however, such factors may be considered in determining whether a conflict exists.

When a Title IX Coordinator signs a Formal Complaint, that action does not place the Title IX Coordinator in a position adverse to the Respondent. In that instance, the Title IX Coordinator is initiating an investigation based on allegations of which the Title IX Coordinator has been made aware. Likewise, deciding that allegations warrant an investigation does not necessarily show bias or prejudgment of the facts for or against the Complainant or Respondent.

The mere fact that a certain number of findings under this Policy result in determinations of responsibility, or non-responsibility, does not necessarily indicate or imply bias on the part of Title IX personnel.

D. Filing a Criminal Complaint and Coordination with Law Enforcement

The University encourages Complainants to pursue criminal action for incidents of Prohibited Conduct that may also be crimes under applicable state laws. The University will assist a Complainant in making a criminal report and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The filing and processing of a Formal Complaint of Prohibited Conduct is separate from and independent of any criminal investigation or proceeding. The University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether Prohibited Conduct occurred under the University's Policy.

E. Request That Prohibited Conduct Not Be Investigated

If a Complainant makes a Report of Prohibited Conduct, but requests anonymity and/or that no investigative or disciplinary measures be taken, the Title IX Coordinator will advise the Complainant that the University will consider but cannot guarantee to honor such request if the Title IX Coordinator determines it would be clearly unreasonable in light of known circumstances not to investigate the allegations. The University will conduct an intentional and thoughtful assessment and will weigh such request(s) against the University's obligation to provide a safe, non-discriminatory environment. In determining whether it can honor a request for anonymity, the Title IX Coordinator will evaluate several factors, including, but not limited to, the following:

- The nature and scope of the alleged Prohibited Conduct, including whether it involved the use of a weapon;
- The actual or perceived difference in authority between parties (for example, a Complainant's status as a student or employee);
- The risk posed to any individual or to the campus community by not proceeding with an investigation, including the risk of additional Prohibited Conduct;
- Whether there have been other Reports of Prohibited Conduct against the Respondent;
- Whether the Report reveals a pattern of Prohibited Conduct (e.g., via illicit use of alcohol or drugs) at a given location or by a particular group;
- The Complainant's desire to pursue investigation of the Report;
- The Complainant's willingness to participate in a hearing;
- Whether the University possesses other means to obtain relevant evidence;
- Considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
- The University's obligation to investigate and to provide a safe and nondiscriminatory environment.

The presence of one or more of these factors may lead the University to investigate and, if appropriate, pursue corrective action, including issuance of a Formal Complaint. The ultimate decision as to whether the request for anonymity will be honored will be made by

the Title IX Coordinator. If the University determines that it cannot maintain the anonymity of the Complainant, the University will inform the Complainant prior to taking any action that would result in a disclosure of the Complainant's identity. Any such disclosures will be made on a need-to-know basis, and the Complainant will be informed as to which offices and individuals will receive the information.

If the University honors a request for anonymity, or the Complainant chooses not to respond to communications from the Title IX office, the University's ability to meaningfully investigate a Report of Prohibited Conduct or take corrective action may be limited.

VIII. SUPPORTIVE MEASURES

The term "Supportive Measures" refers to non-disciplinary, non-punitive individualized services offered by the University as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Prohibited Conduct. Supportive measures cannot punish or discipline the Respondent. Supportive Measures are available to involved parties including Complainant(s), Respondent(s), and witnesses while the University is addressing, investigating, adjudicating and responding to an allegation of Prohibited Conduct. Requests for Supportive Measures should be made to the Title IX Coordinator or a Deputy Title IX Coordinator, who serves as the point of contact for Supportive Measures and will work with the appropriate office(s) to ensure that any necessary Supportive Measures are provided.

When a Complainant makes a Report of Prohibited Conduct, the Title IX Coordinator and/or a Deputy Title IX Coordinator will contact the Complainant, if the Complainant's identity is known, to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

The Title IX Coordinator and/or a Deputy Title IX Coordinator will discuss with the Complainant which Supportive Measures may restore or preserve equal access to UAH's educational program or activity or employment without unreasonably burdening the Respondent, including measures designed to protect the safety of all parties or UAH's educational and employment environment or deter Prohibited Conduct.

If a Complainant desires Supportive Measures, UAH will make reasonable efforts to protect the Complainant's identity (including from the Respondent) unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant.

The range of potential supportive measures include:

- Imposition of a mutual "No-Contact Order";
- Extensions of deadlines;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Modification or change in class schedule, including the ability to drop a course without penalty or to transfer;
- Change in work schedule or job assignment;
- Change in student's campus housing;

- Leaves of absence;
- Assistance from University support staff in completing housing relocation;
- Limiting access to certain University facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing academic support services, such as tutoring;
- Institutional resources pertaining to visa/immigrant status;
- Escort services;
- Increased security and monitoring of certain areas of the campus or similar measures;
- University-imposed leave, emergency removal, or separation for the Respondent; and
- Any other measure that can be tailored to the involved individuals to achieve the goals of this Policy.

Additional resources the University may offer include:

- Referral to counseling services;
- Assistance in identifying advocacy support to obtain orders of protection within the criminal justice system;
- Emergency numbers for on and off campus law enforcement, and, if desired, assistance with notifying law enforcement;
- Seeking care for injuries, STI testing, etc.;
- Importance of and explanation of how to preserve evidence in case the alleged Prohibited Conduct is also a potential criminal act;
- Information about where to get a rape kit/SANE exam; and
- Encouragement of prompt reporting of all crimes to the appropriate law enforcement agency, paired with a commitment from UAH that appropriate support will be offered in every case.

Upon the receipt of a Report of Prohibited Conduct, the University may provide reasonable Supportive Measures, as appropriate, to provide a safe educational and work environment and to prevent additional acts of Prohibited Conduct, even when there is no specific request for such Supportive Measures. The University may impose any measure that can be tailored to the individuals involved to achieve the goals of this Policy. An individual's failure to comply with restrictions imposed by Supportive Measures is a violation of this Policy and basis for disciplinary action.

The Title IX Coordinator will document the basis for the decision that the University's response to a Report of Prohibited Conduct was not unreasonable in light of known circumstances and document that the University has taken measures to restore or preserve equal access to UAH's educational program or activity or employment. If Supportive Measures are not provided, the Title IX Coordinator will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

IX. CONFIDENTIALITY AND PRIVACY

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a Report or Formal Complaint of Prohibited Conduct under this Policy. The University is also committed to providing assistance to help students, employees, third parties, and visitors make informed choices. With respect to any Report or Formal Complaint of Prohibited Conduct under this Policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the Report and Formal Complaint and take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

A. Privacy

To protect individual privacy, the University will only share information related to a Report or Formal Complaint of Prohibited Conduct with a limited circle of University employees who “need to know” to assist in the assessment, investigation, and resolution of the Report or Formal Complaint, as well as the implementation of Supportive Measures.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s Student Records (FERPA) Policy. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA.

B. Confidentiality

Confidentiality exists in the context of laws that protect certain relationships, including those with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, attorneys, and ordained clergy, all of whom may engage in confidential communications under Alabama law. The University has designated individuals who have the ability to have privileged communications as “Confidential Employees.” When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information.

For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

X. IMPOSITION OF SANCTIONS

A student, employee, or faculty determined to have engaged in Prohibited Conduct shall be in violation of this Policy. The specific procedures for imposing discipline depend upon the nature of the Respondent’s relationship to the University. A student, staff, or faculty member determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties or Guests who violate this Policy may have their relationship with the University terminated and/or their privileges and access to the University’s premises revoked.

Complainants and Respondents shall be treated equitably, which for a Respondent means following a grievance process before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures.

XI. REMEDIES

After a final determination of a finding of responsibility, the Title IX Coordinator will determine what remedies may need to be implemented to restore or preserve equal access to the University’s education program or activity or employment. The Title IX Coordinator will also identify any appropriate remedies/measures to address any effects of substantiated Prohibited Conduct on the University community.

The remedies provided may be additional, or the continuation of, any Supportive Measures. The Title IX Coordinator may impose or extend a No-Contact Directive and impose or extend academic, University housing and/or University employment modifications, as may be appropriate; impose or extend increased monitoring, supervision, and/or security at locations or in connection with activities where the Prohibited Conduct occurred or is likely to reoccur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; impose one or more restorative remedies to encourage a Respondent to develop insight about the Prohibited Conduct, learn about the impact of that Prohibited Conduct on the Complainant and the University community, and identify how to prevent that Prohibited Conduct in the future (including community service and mandatory participation in training, education and/or prevention programs related to the Prohibited Conduct); and/or impose any other remedial or protective measures that are tailored to achieve the goals of the Title IX Policy. Remedies that do not impact the Respondent will not be disclosed to the Respondent unless implementation of the remedy requires notification to the Respondent (e.g., disciplinary action).

XII. STUDENT AND EMPLOYEE TRAINING AND PREVENTION EDUCATION PROGRAMS

The University engages in comprehensive educational programming to prevent Prohibited Conduct, consisting of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students, faculty, and staff that include, but are not limited to the following topics:

- Identifying domestic violence, dating violence, sexual assault, and stalking as Prohibited Conduct;
- Defining what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defining what behavior and actions constitute consent to sexual activity in the State of Alabama;
- Providing safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Providing information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks; and
- Providing an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University also provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from sex discrimination, sexual harassment, and sexual violence.

XIII. FREE SPEECH AND ACADEMIC FREEDOM

The University is committed to free and open inquiry and expression for members of its community. The University is dedicated to the promotion of lively and fearless freedom of debate and deliberation, but also to the protection of that freedom when others attempt to restrict it.

In cases of Prohibited Conduct, the protections of the First Amendment and applicable state law must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom (e.g., classroom lectures and discussions) and in all other education programs

and activities (e.g., speakers on campus; campus debates, school plays and other cultural events; and student newspapers, journals, and other publications). In addition, free speech rights apply to the speech of students, faculty and staff. Title IX is intended to protect students and employees from sex discrimination, not to regulate the content of speech. To establish a violation of Title IX, the harassment must be sufficiently severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or benefit from an education program or activity or employment.

Moreover, in regulating the conduct of its students, faculty, and staff to prevent or redress discrimination prohibited by Title IX, great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinions, particularly in the classroom.

Nonetheless, speech or conduct of a harassing, sexual, or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment if it meets the definition of Prohibited Conduct and (1) is reasonably regarded as non-professorial speech (i.e., advances a personal interest of the student or faculty member as opposed to furthering the learning process or legitimate objectives of the course), or (2) lacks an accepted pedagogical purpose or is not germane to the academic subject matter.


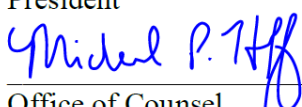


This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

XIV. RESOURCES AND OPTIONS

Below are links to available resources and options:

- <https://www.uah.edu/counseling-center>
- <https://www.uah.edu/health-and-wellness/student-health-center>
- <https://www.uah.edu/clinic>
- <https://www.uah.edu/hr/benefits/work-life/eap>

APPROVAL

	8/17/202
President	Date
	8/17/20
Office of Counsel	Date
	8/17/2020
Vice President for Diversity, Equity and Inclusion	Date
	8/17/2020
Campus Designee	Date

APPENDIX 1

For purposes of the Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy, conduct that is deemed, by a preponderance of the evidence (which means more likely than not the alleged conduct occurred) to be gender-based and meet the definitions of any of the types of Prohibited Conduct identified in Section III above and in the legal definitions set

forth below (whether defined federal or by state laws, as amended from time to time), constitutes a violation of this Policy. A person whose gender-based conduct violates the federal or state criminal statutes as established by a preponderance of the evidence need not be criminally charged or convicted for their conduct to be deemed a violation of this Policy. Additionally, to the extent that federal or state criminal laws addressing gender-based conduct that could be deemed Prohibited Conduct are created or amended, engaging in such conduct (as proven by a preponderance of the evidence) shall be considered a violation of this Policy even if the definitions below have not been updated to reflect the most recent additions to or changes in the law.

INTIMATE PARTNER VIOLENCE: DATING OR DOMESTIC VIOLENCE

Federal Law:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence. 34 C.F.R. § 668.46(a)

Alabama Law: n/a

INTIMATE PARTNER VIOLENCE: DOMESTIC VIOLENCE

Federal Law:

(i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 34 C.F.R. § 668.46(a)

Alabama Law:

First Degree Domestic Violence – Ala. Code § 13A-6-130(a)(1)

A person commits the crime of domestic violence in the first degree if the person commits the crime of assault in the first degree pursuant to Section 13A-6-20; aggravated stalking pursuant to Section 13A-6-91; or burglary in the first degree pursuant to Section 13A-7-5 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.

Second Degree Domestic Violence – Ala. Code § 13A-6-131(a)(1)

A person commits the crime of domestic violence in the second degree if the person commits the crime of assault in the second degree pursuant to Section 13A-6-21; the crime of intimidating a witness pursuant to Section 13A-10-123; the crime of stalking pursuant to Section 13A-6-90; the crime of burglary in the second or third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of criminal mischief in the first degree pursuant to Section 13A-7-21 and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.

Third Degree Domestic Violence – Ala. Code § 13A-6-132(a)(1)

A person commits domestic violence in the third degree if the person commits the crime of assault in the third degree pursuant to Section 13A-6-22; the crime of menacing pursuant to Section 13A-6-23; the crime of reckless endangerment pursuant to Section 13A-6-24; the crime of criminal coercion pursuant to Section 13A-6-25; the crime of harassment pursuant to subsection (a) of Section 13A-11-8; the crime of criminal surveillance pursuant to Section 13A-11-32; the crime of harassing communications pursuant to subsection (b) of Section 13A-11-8; the crime of criminal trespass in the third degree pursuant to Section 13A-7-4; the crime of criminal mischief in the second or third degree pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of arson in the third degree pursuant to Section 13A-7-43; and the victim is a current or former spouse, parent, step-parent, child, step-child, any person with whom the defendant has a child in common, a present household member, or a person who has or had a dating relationship with the defendant.

STALKING

Federal Law:

Stalking.

(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. 34

C.F.R. § 668.46(a)

Alabama Law:

First Degree Stalking – Ala. Code § 13A-6-90(a)

A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.

Second Degree Stalking – Ala. Code § 13A-6-90.1(a)

A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses,

telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.

SEXUAL ASSAULT & OTHER SEXUAL OFFENSES

Federal Law:

Sexual assault. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included in 34 C.F.R. § 668.46, Appendix A. 34 C.F.R. § 668.46 Sexual assault/Rape. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. 34 C.F.R. § 668.46, Appendix A

Sexual assault/Fondling. Sexual assault/fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. 34 C.F.R. § 668.46, Appendix A

Incest. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. 34 C.F.R. § 668.46, Appendix A

Statutory rape. Statutory rape is sexual intercourse with a person who is under the statutory age of consent. 34 C.F.R. § 668.46, Appendix A

Alabama Law:

Alabama law includes definitions of the following in its sexual offenses category: rape, sodomy, sexual misconduct, sexual torture, sexual abuse, indecent exposure, enticing a child to enter vehicle, house, etc. for immoral purposes, sexual abuse of a child less than 12 years old. The following are definitions that apply to the Alabama sexual offense statutes (some of which are set forth below):

(1) **FORCIBLE COMPULSION.** Use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. Factors to be considered in determining an implied threat include, but are not limited to, the respective ages and sizes of the victim and the accused; the respective mental and physical conditions of the victim and the accused; the atmosphere and physical setting in which the incident was alleged to have taken place; the extent to which the accused may have been in a position of authority, domination, or custodial control over the victim; or whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.

(2) **INCAPACITATED.** The term includes any of the following:

a. A person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct.

b. A person is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender.

c. A person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.

(3) **SEXUAL CONTACT.** Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin

contact.

(4) **SEXUAL INTERCOURSE.** Such term has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

(5) **SODOMY.** Any sexual act involving the genitals of one person and the mouth or anus of another person. Ala. Code § 13A-6-60.

First Degree Rape – Ala. Code § 13A-6-61(a). A person commits the crime of rape in the first degree if he or she does any of the following:

- (1) Engages in sexual intercourse with another person by forcible compulsion.
- (2) Engages in sexual intercourse with another person who is incapable of consent by reason of being incapacitated.
- (3) Being 16 years old or older, engages in sexual intercourse with another person who is less than 12 years old.

Second Degree Rape – Ala. Code § 13A-6-62(a). A person commits the crime of rape in the second degree if, being 16 years old or older, he or she engages in sexual intercourse with another person who is 12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person.

First Degree Sexual Abuse – Ala. Code § 13A-6-66(a). A person commits the crime of sexual abuse in the first degree if he or she does either of the following:

- (1) Subjects another person to sexual contact by forcible compulsion.
- (2) Subjects another person to sexual contact who is incapable of consent by reason of being incapacitated.

Second Degree Sexual Abuse – Ala. Code § 13A-6-67(a). A person commits the crime of sexual abuse in the second degree if he or she does either of the following:

- (1) Subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old.
- (2) Being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

First Degree Sodomy – Ala. Code § 13A-6-63(a). A person commits the crime of sodomy in the first degree if he or she does any of the following:

- (1) Engages in sodomy with another person by forcible compulsion.
- (2) Engages in sodomy with another person who is incapable of consent by reason of being incapacitated.
- (3) Being 16 years old or older, engages in sodomy with a person who is less than 12 years old.

Second Degree Sodomy – Ala. Code § 13A-6-64(a). A person commits the crime of sodomy in the second degree if, being 16 years old or older, he or she engages in sodomy with another person

12 years old or older, but less than 16 years old; provided, however, the actor is at least two years older than the other person.

Sexual Torture – Ala. Code § 13A-6-65.1(a). A person commits the crime of sexual torture if he or she does any of the following:

- (1) Penetrates the vagina, anus, or mouth of another person with an inanimate object, by forcible compulsion, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.
- (2) Penetrates the vagina, anus, or mouth of a person who is incapable of consent by reason of being incapacitated, with an inanimate object, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.

(3) Penetrates the vagina, anus, or mouth of a person who is less than 12 years old, with an inanimate object, by a person who is 16 years old or older with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.

(4) By inflicting physical injury, including, but not limited to, burning, crushing, wounding, mutilating, or assaulting the sex organs or intimate parts of another person, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.

Indecent Exposure – Ala. Code § 13A-6-68(a). A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or herself, or of any person other than his or her spouse, he or she exposes his or her genitals under circumstances in which he or she knows the conduct is likely to cause affront or alarm.

Incest – Ala. Code § 13A-13-3.

(a) A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:

(1) His ancestor or descendant by blood or adoption; or

(2) His brother or sister of the whole or half-blood or by adoption; or

(3) His stepchild or stepparent, while the marriage creating the relationship exists; or

(4) His aunt, uncle, nephew or niece of the whole or half-blood.

(b) A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed.

Enticing Child to Enter Vehicle, House, Etc., for Immoral Purposes – Ala. Code § 13A-6-69(a). It shall be unlawful for any person with lascivious intent to entice, allure, persuade, or invite, or attempt to entice, allure, persuade, or invite, any child under 16 years of age to enter any vehicle, room, house, office, or other place for the purpose of proposing to such child the performance of an act of sexual intercourse or an act which constitutes the offense of sodomy or for the purpose of proposing the fondling or feeling of the sexual or genital parts of such child or the breast of such child, or for the purpose of committing an aggravated assault on such child, or for the purpose of proposing that such child fondle or feel the sexual or genital parts of such person.

Sexual Abuse of a Child Less than 12 Years Old – Ala. Code § 13A-6-69.1(a). A person commits the crime of sexual abuse of a child less than 12 years old if he or she, being 16 years old or older, subjects another person who is less than 12 years old to sexual contact.

School Employee Having Sexual Contact With a Student Under the Age of 19 Years – Ala. Code § 13A-6-82.

(a) A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engages in sexual contact, as defined by Section 13A-6-60, with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section. The crime of a school employee having sexual contact with a student is a Class C felony.

(b) A person commits the crime of a school employee soliciting a sex act with a student under the age of 19 years if he or she is a school employee and solicits, persuades, encourages, harasses, or entices a student to engage in a sex act including, but not limited to, sexual intercourse, sodomy, or sexual contact, as defined by Section 13A-6-60. The crime of soliciting a student to perform a sex act is a Class A misdemeanor.

SEXUAL EXPLOITATION

Federal Law: n/a

Alabama Law:

Distributing a Private Image with Intent to Harass, Threaten, Coerce, or Intimidate the Person Depicted – Ala. Code § 13A-6-240(a). A person commits the crime of distributing a private image if he or she knowingly posts, emails, texts, transmits, or otherwise distributes a private image with the intent to harass, threaten, coerce, or intimidate the person depicted when the depicted person has not consented to the transmission and the depicted person had a reasonable expectation of privacy against transmission of the private image.

Sexual Extortion – Ala. Code § 13A-6-241(a). A person commits the crime of sexual extortion if he or she knowingly causes or attempts to cause another person to engage in sexual intercourse, sodomy, sexual contact, or in a sexual act or to produce any photograph, digital image, video, film, or other recording of any person, whether recognizable or not, engaged in any act of sadomasochistic abuse, sexual intercourse, sodomy, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct by communicating any threat to injure the body, property, or reputation of any person.

Possession and Possession with Intent to Disseminate Obscene Matter Containing Visual

Depiction of Persons Under 17 Years of Age Involved in Obscene Acts – Ala. Code § 13A-12-192.

(a) Any person who knowingly possesses with intent to disseminate any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sadomasochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class B felony. Any transfer of the visual depiction from any electronic device to any other device, program, application, or any other place with storage capability which can be made available or is accessible by other users, is prima facie evidence of possession with intent to disseminate.

(b) Any person who knowingly possesses any obscene matter that contains a visual depiction of a person under the age of 17 years engaged in any act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct shall be guilty of a Class C felony.

SEXUAL HARASSMENT OR GENDER-BASED HARASSMENT**Federal Law:**

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). 34 C.F.R. § 106.30(a).

Alabama Law: n/a

INTERIM PROCEDURES FOR THE RESOLUTION OF TITLE IX SEXUAL HARASSMENT AND SEXUAL VIOLENCE COMPLAINTS

I. OVERVIEW AND APPLICABILITY

The University of Alabama in Huntsville (“UAH” 1 or “the University”) has developed these Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints (the “Procedures”) pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as “Title IX”). These Procedures should be read in conjunction with the Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy (the “Title IX Policy”), which includes additional information regarding applicable definitions, key terms, reporting options, available resources and other relevant topics.

These Procedures will be used to investigate and resolve all Reports and Formal Complaints of Sexual Harassment/Sexual Violence, as described within the definition of Prohibited Conduct in the Title IX Policy, brought against UAH students, faculty and staff members, affiliates, and nonaffiliates (i.e., someone not associated with UAH), as appropriate.¹ All Reports or complaints covered by Title IX alleging sexual discrimination that do not fall within the category of Sexual Harassment or Sexual Violence, as defined in the Title IX Policy, will be investigated and resolved through the Procedures for the Resolution of Title IX Sex Discrimination Complaints (nonharassment) Against Students or the Procedures for the Resolution of Title IX Sex Discrimination Complaints (non-harassment) Against Faculty, Staff, Affiliates, Non-Affiliates. All other reports or complaints of discrimination against students, faculty and staff members, including but not limited to those based on race, color, religion, national origin, and age will be resolved using the Discrimination Complaint/Grievance Procedure and/or the Student Conduct Code.

Any conduct that does not rise to the level of Prohibited Conduct as defined in the Title IX Policy and/or falls outside the jurisdiction of the Title IX policy may be investigated and addressed pursuant to other applicable policies, including but not limited to: the Discrimination Complaint/Grievance Procedure, the Student Conduct Code, the Faculty Handbook, and/or the Staff Handbook.

All community members are strongly encouraged to report to the University any incident of Prohibited Conduct as defined in the Title IX Policy. Many University administrators are specifically trained to support individuals affected by Prohibited Conduct, and the University is fully committed to promoting a safe and healthy educational and work environment.

¹ For purposes of UAH’s Title IX policy and these Procedures, an “affiliate” includes, but is not limited to, visiting scholars and post-doctoral fellows who are not otherwise classified as UAH faculty, staff, or students.

II. RIGHTS OF THE COMPLAINANTS AND RESPONDENTS

A. Rights of Complainants and Respondents

Both Complainants and Respondents have the following rights:

- To receive information about available Supportive Measures and community support resources (including, but not limited to, a mutual no-contact order, modification of academic, living, transportation, or working situations to avoid a hostile environment; and available health and mental health counseling, victim advocacy, safety planning, information about possible legal assistance, visa and immigration assistance, student financial aid, and, if applicable, disability accommodations)²;

- To receive Supportive Measures;
- To a thorough and impartial investigation if and when one is initiated;
- To written notice of the date, time, location, participants and purposes of all hearings, investigative interviews, or other meetings with sufficient time for the party to prepare to participate;
- To receive an objective evaluation of all relevant evidence – including both inculpatory evidence (evidence that may support a finding or conclusion that Respondent engaged in Prohibited Conduct) and exculpatory evidence (evidence that may support a finding or conclusion that a Respondent did not engage in Prohibited Conduct);
- To an opportunity to inspect and review and receive a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source; and a right to respond to this evidence;
- To review and receive a copy of the draft and Final Investigation Report that summarizes relevant evidence;
- To participate in a live grievance hearing except as outlined herein;
- To be accompanied by an advisor, who may be, but is not required to be, an attorney at all University proceedings relevant to the investigation and hearing process, subject to the limitations outlined herein;
- If a party does not have an advisor at a live hearing, to receive an advisor (to conduct cross-examination at the live hearing) of the University's choice, who may be, but is not required to be, an attorney, provided without fee or charge;
- To inspect and review the recording of the live grievance hearing;
- To be notified of the appeal process and whether an appeal is available;
- To receive a statement of, and rationale for, the Hearing Officer's decision as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant;
- To have access to published policies regarding Prohibited Conduct and University disciplinary procedures, including the possible range of sanctions;
- To be notified that information and materials the University obtains during its investigation into allegations of Prohibited Conduct may be disclosed to law enforcement or others in response to a valid subpoena; and
- To be notified that he or she is not required to make a statement or otherwise provide information relevant to the investigation. However, the investigation may continue and a decision regarding responsibility will be made based on the available statements and evidence.

² If the Complainant requests such Supportive Measures and if they are reasonably available and do not unreasonably burden the Respondent, they will be provided regardless of whether the Complainant chooses to file a Formal Complaint or refuses to report the crime to campus police or local law enforcement.

B. Additional Rights of Complainants

- To be informed of available options for making a Report;
- To an explanation of the grievance process, including any informal resolution process, for resolving complaints of sexual harassment;
- To be advised of the right to simultaneously file a criminal complaint and a Title IX complaint with UAH and to be advised of the University's prohibition on retaliation against an individual who exercises their rights under Title IX, Title VII, the Campus SaVE Act, or the Title IX Policy;
- To decline to notify law enforcement authorities in cases of sexual assault, domestic violence, dating violence, and stalking cases; and
- To be assisted by campus authorities, if requested, when reporting a crime to law enforcement.

C. Additional Rights of Respondents

- Upon receipt of a Formal Complaint, to receive written notice of the Title IX grievance process including any informal resolution process, and notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; and
- To a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

III. COMPLAINT PROCEDURES

A. Time Frame for Resolution

The Title IX Coordinator seeks to resolve all Reports as promptly as reasonably possible. Best efforts will be made to follow the time frames discussed below.

In calculating time periods, "business days" do not include weekends or UAH holidays. All time frames may be extended when necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for University breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing.

B. Initial Assessment and Dismissal Process

1. Responses to a Report of Prohibited Conduct

When a Report of Prohibited Conduct is made, the Title IX Coordinator and/or Designee will promptly contact the Complainant for a preliminary discussion of the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain the process for filing a Formal Complaint.

During the preliminary discussion with the Complainant, the Title IX Coordinator and/or Designee will gather facts that will enable the Title IX Investigator(s), in consultation with other offices as appropriate, to:

- Assess the nature and circumstances of the allegation(s);
- Address any immediate concerns about the physical safety and emotional wellbeing of the parties;
- If the conduct is criminal in nature, notify the Complainant of the option to notify law enforcement and to be assisted in doing so, as well as the option to decline to notify law enforcement;
- Notify the Complainant of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence;
- Provide the Complainant with written information about:
 - On and off campus resources;
 - The available range of Supportive Measures;
 - An explanation of the procedural options, including Informal Voluntary Resolution and investigation and adjudication;
 - The Complainant's Rights during the process;
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University's policy prohibiting Retaliation;
- Explain the right to and role of an advisor; and
- Assess the reported conduct for the need for a timely warning or entry in the crime log under federal law.

If a Complainant wants to maintain anonymity and/or request that no investigative or disciplinary measures be taken, the Title IX Coordinator and/or Deputy Title IX Coordinator will advise the Complainant that the University will consider the request but cannot guarantee that the University will be able to honor the request if the Title IX Coordinator determines it would be clearly unreasonable in light of known circumstances not to investigate the allegations. The University will conduct a thoughtful and intentional assessment and will weigh such a request in light of the University's obligation to provide a safe, non-discriminatory environment. In determining whether it can honor a request for confidentiality, the following factors will be considered:

- The nature and scope of the alleged conduct, including whether the reported misconduct involves the use of a weapon;
- The respective ages and roles of the Complainant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of violence;
- Whether there have been other Reports of misconduct involving the Respondent;
- Whether the Report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The Complainant's wish to pursue disciplinary action;
- Whether the University possesses other means to pursue the investigation and obtain relevant evidence without participation from the Complainant; and
- Considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent.

The University's ability to fully investigate and respond to a Report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation.

2. The Initial Assessment

An investigation and initial assessment will not be initiated unless and until a Formal Complaint is filed. A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that UAH investigate the allegation of Prohibited Conduct. To file a Formal Complaint, a Complainant must be participating in, or attempting to participate in UAH's education programs or activities or employed by UAH. Formal Complaints cannot be anonymous except for Formal Complaints filed by the Title IX Coordinator when the Title IX Coordinator believes that with or without the Complainant's desire to participate in a grievance process, it would be clearly unreasonable in light of known circumstances not to investigate the allegations.

The assessment will determine whether the alleged conduct could present a potential violation of the Title IX Policy and whether further action is warranted based on the alleged conduct, including whether the Formal Complaint must be or may be dismissed.

3. Filing a Formal Complaint

Where a Complainant desires to file a Formal Complaint to initiate a grievance process, the Complainant cannot remain anonymous or prevent their identity from being disclosed to the Respondent. The Complainant may request to withdraw a Formal Complaint at any time. The University reserves the right to make a determination whether to approve or deny this request, but will strongly consider the Complainant's wishes.

The Title IX Coordinator may consolidate Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents or by one party against the other party where the allegations of Prohibited Conduct arise out of the same facts or circumstances. Arising out of the same fact and circumstances means that the multiple Complainants' allegations are so intertwined that their allegations directly relate to all the parties.

a. Mandatory Dismissal of Formal Complaints

The Title IX Coordinator must dismiss a Formal Complaint based on the following grounds:

- The Prohibited Conduct would not constitute sexual harassment even if proved;
- The Prohibited Conduct did not occur in UAH's education program or activity (as defined in Section II (Jurisdiction)) of the Title IX Policy; or
- The Prohibited Conduct did not occur against a person in the United States.

b. Permissive Dismissal of Formal Complaints

The Title IX Coordinator may dismiss a Formal Complaint based on the following grounds:

- If at any time during the investigation or hearing, a Complainant

notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

- The Respondent is no longer enrolled or employed by UAH; or
- Specific circumstances prevent UAH from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon a mandatory or permissive dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties. A mandatory or permissive dismissal does not preclude UAH from investigating and addressing the alleged conduct pursuant to other applicable policies, including, but not limited to, UAH's Discrimination Complaint/Grievance Procedure, Code of Student Conduct, Staff Handbook, Faculty Handbook.

C. Acceptance of Responsibility

The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the Prohibited Conduct. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Deputy Title IX Coordinator for Students (if a student Respondent) or Human Resources and/or the Provost (if a non-student Respondent), will determine the appropriate sanction(s).

When a Respondent accepts responsibility for the Prohibited Conduct, both the Complainant and Respondent may appeal the sanction decision on the basis that the sanction(s) is either too severe or too lenient. The appeal process is detailed in the Appeals Process (see Section VI) of these Procedures.

D. Informal Voluntary Resolution

Informal Voluntary Resolution is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the Complainant and preserves the safety and welfare of the campus community. Informal Voluntary Resolution does not involve an investigation, adjudication hearing, or disciplinary action against a Respondent and is not appropriate for all forms of conduct under the Title IX Policy. Informal Voluntary Resolution is available only if a Formal Complaint is filed and both parties voluntarily agree in writing to participate.

Factors the University will consider when determining whether a Report of Prohibited Conduct is suitable for alternative resolution include, but are not limited to, the following:

- The nature of the alleged offense;
- The dynamics of power or control commonly associated with the alleged offense and/or with the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the campus community after resolution of the specific report of Prohibited Conduct;
- Whether multiple parties are involved;
- Whether the resolution proposed is designed to eliminate, prevent, and address the reported Prohibited Conduct;

- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall campus safety or safety of the parties involved.

To proceed with Informal Voluntary Resolution, the Title IX Coordinator must provide the parties with written notice that includes the following information: (1) a description of the allegations in the Formal Complaint; (2) the requirements of the Informal Voluntary Resolution process, including the circumstances under which UAH precludes the parties from resuming a Formal Complaint arising from the same allegations; (3) any consequences resulting from participating in the Informal Voluntary Resolution process, including the records that will be shared and maintained; and (4) any party's right to, at any time prior to agreeing to a resolution, withdraw from the Informal Voluntary Resolution process and resume the grievance process with respect to the Formal Complaint.

Informal Voluntary Resolution will be facilitated by University-sanctioned trained professionals. The time frame for completion of Informal Voluntary Resolution may vary, but the University will seek to complete the process within sixty (60) business days of the Complainant's request.

Informal Voluntary Resolution will not be used in cases involving allegations that an employee sexually harassed or committed sexual violence (sexual assault, domestic violence, dating violence, or stalking) against a student.

Informal Voluntary Resolution may result in the following remedies: establishing Supportive Measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Title IX Policy. Informal Voluntary Resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for misconduct and acknowledge harm to the Complainant or to the University community. Informal Voluntary Resolution may also include mediation.

Participation in Informal Voluntary Resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if Informal Voluntary Resolution is unsuccessful at resolving the Report. Similarly, a Complainant may request to end an investigation and pursue Informal Voluntary Resolution at any time if the Respondent also consents to Informal Voluntary Resolution. In addition, either party may request Supportive Measures regardless of whether any particular course of action is sought.

Facilitators of Informal Voluntary Resolution cannot be used as a witness during a subsequent investigation or adjudication hearing.

If a Report of Prohibited Conduct is resolved by Informal Voluntary Resolution, resolution will be deemed final. Because the outcome of Informal Voluntary Resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted. Should the resolution result in terms or conditions being imposed on one or both parties, a failure to subsequently adhere to those terms or conditions as written may subject the offending party to a Failure to Comply Charge as defined in Section III (Prohibited Conduct) of the Title IX Policy.

E. Emergency Removal Process for Student Respondents and Administrative Leave

The Title IX Coordinator in consultation with the Behavioral Evaluation and Threat

Assessment team may impose an emergency removal to remove a student Respondent from the University's educational program or activity on an emergency basis prior to a determination regarding responsibility. This removal shall be undertaken once an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal.

Emergency removals may include, but are not limited to, a full or limited emergency removal from campus activities, removal from University housing, removal from University sponsored events, and/or restriction on access to University facilities and programs.

The Dean of Students will provide notice to the student Respondent of the emergency removal, and the student Respondent may request a review of the emergency removal in writing within two (2) business days of the issuance of any emergency removal. Such request should be submitted to the Dean of Students. Reasonable efforts will be made to hold such a review of the emergency removal within five (5) business days of the receipt of the request for review to determine if the removal should continue, as issued, through the remainder of the conduct process. If the student Respondent submits a timely review request, the review may be held beyond this five (5) calendar day period if scheduling issues exist.

At any requested review, information will be presented in support of any challenged removal. The student Respondent may offer statements or other information to rebut any grounds offered in support of the emergency removal.

Except as limited herein, the student Respondent has the right to be assisted during the review process by any advisor they may choose, at their own expense. The advisor may be an attorney. An advisor has no right to speak or participate directly in any aspect of the emergency removal review process. The Respondent must speak on their own behalf. An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the proceeding.

The decision following the review of the emergency removal will be final.

F. Administrative Leave for Faculty/Staff Respondents

In certain circumstances, the University may place a faculty or staff Respondent on administrative leave (with or without pay) during the pendency of a formal investigation prior to a determination regarding responsibility.

For additional information regarding the processes and procedures applicable to administrative leave, please refer to the Faculty Handbook for faculty Respondents and the Staff Handbook for staff Respondents.

IV. INVESTIGATION PROCEDURES

If deemed appropriate based on the Initial Assessment, the Title IX Coordinator shall initiate a prompt, thorough, and impartial investigation of Prohibited Conduct in accordance with these Procedures. The Title IX Coordinator (or Designee) will designate an Investigator(s) who has training and experience investigating allegations of Prohibited Conduct. The Investigator may be a University employee or an outside Investigator. For Formal Complaints involving allegations against faculty, staff, or non-student third-parties, the Title IX Coordinator (or Designee) will collaborate with Human Resources (Deputy Title IX Coordinator). The

Investigator(s) will coordinate the gathering of information, which may be later used to determine whether the alleged Prohibited Conduct constitutes a violation of the Title IX Policy. The investigation is a neutral fact-gathering process. The Respondent is presumed not to have violated the Title IX Policy until a determination regarding responsibility is made at the conclusion of the grievance process. This presumption may be overcome only where the preponderance of the evidence supports a finding that the Respondent is responsible for violating the Title IX Policy.

Neither party is required to participate in the investigation nor any form of resolution under these Procedures. The Investigator will not draw an adverse inference merely because either of the parties elected not to participate.

UAH will disclose information about its investigation and resolution of Formal Complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources or discussing the allegations under investigation, or gathering and presenting evidence, including communicating with witnesses or potential witnesses.

A. The Investigative Process

1. Notice of Investigation

The Title IX Coordinator or Deputy Title IX Coordinator will send the Complainant and the Respondent and, if applicable, the Respondent's appropriate supervisor, a written Notice of Investigation, which constitutes the formal charge.

The Notice of Investigation will contain the following information:

- Notice of the alleged conduct at issue, including the identities of the parties involved when a Formal Complaint is filed by a Complainant and the identities of the parties (if known) when the Formal Complaint is filed by the Title IX Coordinator;
- Notice of the specific section of the Title IX Policy allegedly violated, and the date and location of the incident;
- Notice of the grievance process, including information about Voluntary Informal Resolution;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notification of the provision of the Title IX policy prohibiting knowingly making false statements or knowingly submitting false information during the grievance process as defined in Section IV.E. of the Title IX Policy;
- Range of potential violations under the Title IX Policy;
- On and off campus resources;
- Right to an advisor of their choice who may be, but is not required to be, an attorney;
- Range of potential sanctions; and
- Notification that expulsion is a potential sanction and that expulsion precludes matriculation (where appropriate).

The Notice of Investigation must allow the Respondent sufficient time to prepare a

response before any initial interview. Upon receipt of the Notice of Investigation, or at any stage in the process, the Respondent may choose to accept responsibility for the Title IX Policy violation(s). Once the Notice of Investigation has been delivered to the parties, the investigation phase begins.

If, in the course of an investigation, the Title IX Investigator decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Investigation, the Title IX Coordinator or Deputy Title IX Coordinator will provide notice of the additional allegations to the parties whose identity is known.

2. Conducting the Investigation

The Title IX Coordinator and/ or Designee will oversee the investigation. The investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial Investigator(s). All individuals, including the Complainant, the Respondent, and any third-party witnesses will be treated with appropriate sensitivity and respect throughout the investigation. The investigation will safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy.

During the investigation, the Complainant and Respondent will have an opportunity to be heard, to submit information, and to identify witnesses who may have relevant information, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Investigator(s) will speak separately with the Complainant, the Respondent, and any other individuals who are willing to participate and have information relevant to the determination of responsibility. As part of the investigation, the Investigator(s) will gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on parties.

The Investigator(s) will also endeavor to gather any available physical or documentary evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, and other records as appropriate, available, and feasible. The Investigator(s) has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility and may exclude information if the Investigator(s) determines that the information is irrelevant.

The Investigator(s) may not access, consider, disclose or otherwise use a party's records maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional which are made and maintained in connection with the provision of treatment to the party unless the party holding such privilege has waived the privilege. Additionally, evidence of the Complainant's sexual history or behavior is not relevant if it is offered to prove that the Complainant engaged in other sexual behavior or to prove the Complainant's sexual predisposition. Such evidence may be offered to show:

- Prior or subsequent sexual encounters between the Complainant and the Respondent offered to prove consent; or
- That a person other than the Respondent was the source of semen, injury, or other physical evidence.

3. Timing of the Investigation

The University will seek to conclude the investigation within sixty (60) business days from the issuance of the Notice of Investigation. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

4. Relationship to Criminal Proceeding

The filing and processing of a Formal Complaint is separate from and independent of any criminal investigation or proceeding. Where the University is made aware that there is a concurrent criminal investigation, the Title IX Coordinator or Deputy Title IX Coordinator will coordinate with law enforcement so that any University processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the University may agree to defer its investigation until after the initial stages of a criminal investigation. The Title IX Coordinator or Deputy Title IX Coordinator will nevertheless communicate with the parties regarding Supportive Measures and accommodations, procedural options, anticipated timing, and the implementation of any necessary Supportive Measures for the safety and well-being of all affected individuals. The identity of the Complainant will remain confidential unless disclosing the Complainant's identity is necessary to provide the Supportive Measures for the Complainant. If the University defers the Title IX investigation, the Investigator(s) will promptly resume fact gathering as soon as law enforcement has released the case for review following the initial criminal investigation. Neither law enforcement's determination as to whether to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the Title IX Policy. If, however, a Respondent is later convicted of a crime, that Respondent could be subject to other policies and procedures that could result in discipline up to and including dismissal.

5. Cooperation in the Investigation

All community members, including students, faculty and staff, are strongly encouraged and expected to cooperate with the Title IX Coordinator or Deputy Title IX Coordinator in the investigation, as well as any adjudication, of any Report or Formal Complaint of Prohibited Conduct. The Title IX Coordinator or Deputy Title IX Coordinator may request the appearance of persons from the University community who can provide relevant evidence. Both a Complainant and a Respondent may decline to participate in proceedings under the Policy. The Title IX Coordinator or Deputy Title IX Coordinator will determine whether the investigation and any adjudication will proceed without any Complainant(s) pursuant to the factors set out in Section III.B. above.

B. Standard of Proof

At all stages of the process, UAH will apply the preponderance of the evidence standard of proof (more likely than not) when determining whether the Title IX policy has been violated.

C. Right to Discuss Allegations versus Witness Tampering

The Complainant and Respondent have the right to discuss or write about the allegations under investigation and to gather and present evidence. While a party has a right to communicate with witnesses or potential witnesses, witness tampering and intimidation is prohibited. If a Respondent reacts to a written notice of allegations by intimidating witnesses, such conduct constitutes Retaliation and will be investigated and adjudicated pursuant to these Procedures.

D. Review of the Evidence and Submission of Additional Evidence

At the conclusion of the investigation, the Investigator(s) will provide the Complainant and Respondent and their advisors, if any, a copy of the evidence that has been obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including inculpatory and exculpatory evidence whether obtained from a party or another source, as well as evidence that the University does not intend to rely in reaching a determination of responsibility. The evidence will be provided with any redactions if required by applicable federal and/or state law and/or information that is not directly related to the allegations. The parties will receive a copy of the evidence electronically but as a precondition of receiving a copy of the evidence, all parties, and their respective advisors (if any) must sign and agree to abide by a non-disclosure agreement.

A Complainant and Respondent may submit any additional evidence, comment, or information to the Investigator(s) within ten (10) business days of the date upon which the University makes the evidence available. This is the final opportunity for the parties to identify any additional information or witnesses. In the absence of good cause shown, information discoverable through the exercise of due diligence that is not provided to the Investigator within ten (10) business days of the date upon which the University makes the evidence available will not be considered by the Investigator(s) or Hearing Officer.

E. Final Investigation Report

Upon receipt and consideration of any additional information from the Complainant or Respondent, or after the ten (10) business day comment period provided for in Section IV.D. has lapsed without comment, the Investigator(s) will complete a Final Investigation Report that objectively summarizes the relevant evidence. The parties and their advisors will simultaneously receive a copy of the Final Investigation Report (which is also subject to the non-disclosure agreement) at least ten (10) business days before an adjudication hearing.

V. ADJUDICATION BY A HEARING OFFICER

A. Initiation of the Hearing

The Title IX Coordinator (or Designee) will appoint a Hearing Officer who has received appropriate training.

B. Hearing Requirements

The Hearing Officer's role is to conduct an independent and objective review of all of the evidence, including inculpatory and exculpatory evidence, directly related to the allegations, and determine if the Respondent violated the Title IX policy based on a preponderance of the evidence standard (and, if yes, to determine an appropriate sanction). The hearing will be scheduled and will proceed according to the guidelines set forth below:

1. Notice and Timing of Hearing

The Title IX Coordinator (or Designee) will issue a written Notice of Hearing to the parties and their advisors with information regarding the hearing including the date, time, and location of the hearing; the name of the Hearing Officer; and how to challenge the Hearing Officer for bias or conflict of interest. The Title IX Coordinator (or Designee) will have sole discretion to determine whether the Hearing Officer has bias or conflict of interest, and if so, the responsibility to appoint another Hearing Officer.

The hearing will usually be scheduled within twenty-five (25) business days from the date of the Notice of Hearing, subject to extension for good cause at the discretion of the Hearing Officer. Good cause for extension may include the unavailability of the parties, the schedule of the Hearing Officer, the timing of semester breaks or University holidays, concurrent law enforcement activity, or other extenuating circumstances. Any extension, including the reason for the extension, will be shared with the Complainant and Respondent and their advisors in writing.

If, despite being notified of the date, time, and location of the hearing—and in the absence of good cause—a party or an advisor does not attend the hearing, the hearing may proceed subject to the limitations set forth herein.

2. Administration of the Hearing Process

The Hearing Officer is responsible for the administration of the hearing process, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and the overall decorum and conduct of the proceedings. The Hearing Officer is not bound by strict rules of legal evidence and may admit evidence that is of probative value (evidence that is useful in proving or disproving a fact) in determining the issues involved.

The Hearing Officer will apply the preponderance of the evidence standard (more likely than not) when determining whether the Title IX policy has been violated. An audio-visual recording of the hearing will be available to the parties for inspection and review within twenty-one (21) business days after the conclusion of the hearing.

3. Hearing Format

The hearing is an opportunity for the Complainant and Respondent to address the Hearing Officer in person. The parties may address any information in the Final Investigation Report and supplemental statements submitted in response to the Final Investigation Report. The Complainant and the Respondent have the right to make an opening and a closing statement. The Complainant shall give the first

opening statement. The Respondent shall give the final closing statement. The Complainant and the Respondent may each include a statement of the impact of the alleged offense as part of their respective closing statements.

Each party must notify the Title IX Coordinator (or Designee) at least ten (10) business days prior to the hearing if they will be accompanied by an advisor. If a party does not have an advisor, UAH will assign the party an advisor of the University's choice (who may be, but is not required to be, an attorney) provided without fee or charge. Each party has the opportunity to be heard and to identify and secure witnesses, including expert witnesses, for the Hearing Officer's consideration. At least four (4) business days prior to the hearing, each party must submit to the Title IX Coordinator (or Designee): (1) the name of any advisor accompanying the party; (2) if applicable, notification that the party and/or advisor will not attend the hearing; (3) a list of potential hearing witnesses; and (4) all materials that the Complainant or Respondent want the Hearing Officer to consider. All evidence each party wishes to be considered by the Hearing Officer should be presented to the Investigator(s) during the investigation process. If a party does not provide some piece of evidence to the Investigator during the investigation process, that party may only present such evidence during the hearing if the Hearing Officer permits the party to do so in the Hearing Officer's sole discretion. Generally, evidence not presented during the investigation process will only be allowed in the hearing if it is new information not known and not available during the investigation process.

The Title IX Coordinator (or Designee) will provide the witness lists and submitted materials to the Hearing Officer and make copies available to the Complainant and Respondent at least three (3) business days prior to the hearing, consistent with FERPA or other laws and regulations governing the disclosure of education records. Any materials submitted and/or discovered fewer than four (4) business days before the hearing may only be considered at the sole discretion of the Hearing Officer.

All participants in the hearing are expected to behave with decorum and may be asked to leave if they do not.

At the request of either party, the University will conduct the entire hearing (including cross-examination) with the parties located in separate rooms, utilizing technology enabling the parties to see and hear each other.

4. Questioning of Parties/Witnesses and Relevancy Determination

With the exception of cross-examination, all questioning of parties is conducted through the Hearing Officer. A party may recommend direct questions to be asked of a party's own witness or non-party witnesses by submitting them in writing to the Hearing Officer prior to the hearing. During the hearing, a party may also submit suggested questions, in writing, to the Hearing Officer, which are based on information presented during the hearing.

The Hearing Officer may also independently question the parties, witnesses, and/or Investigator to elicit relevant information. The Hearing Officer is barred from drawing any inference about the determination of responsibility based solely on a party's refusal to answer the Hearing Officer's questions.

All admissible relevant evidence will be evaluated for weight or credibility (the

quality of being reliable, trusted and believed in). Evidence that is deemed duplicative of other evidence is not relevant.

Each party and all witnesses are subject to cross-examination by the opposing party's respective advisors. The party's advisor may ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Such questioning must be conducted directly, orally, and in real time by the party's advisor and never by the parties personally. The parties and advisors are prohibited from questioning parties and witnesses in an abusive, intimidating, or disrespectful manner.

The party's advisor may otherwise not make statements, challenge relevancy determinations, or otherwise directly participate in the proceedings. The Hearing Officer may remove or dismiss an advisor who becomes disruptive or who does not abide by the limitations on their participation and require the party to use a different advisor.

Neither party is required to participate in the hearing in order for the hearing to proceed. If a party or witness who does not submit to cross-examination at the live hearing, however, the Hearing Officer may not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

A party's advisor may appear and conduct cross-examination even when the party whom they are advising does not appear. Similarly, where one party does not appear and that party's advisor of choice does not appear, a UAH-provided advisor must still cross-examine the other, appearing party "on behalf of" the non-appearing party, resulting in consideration of the appearing party's statements but not the nonappearing party's statements (without any inference being drawn based on the nonappearance).

³

Where a party refuses to answer cross-examination questions but video evidence exists showing the underlying incident, the Hearing Officer may still consider the available evidence to make a determination.

The Hearing Officer, in his or her sole discretion, will determine the relevance of all cross-examination questions presented. If the Hearing Officer deems the question irrelevant the Hearing Officer must explain the basis for such a decision. A question is relevant if it tends to prove or disprove the issue of responsibility. The Hearing Officer's relevancy decision may not be challenged during the hearing by the parties or their advisors.

Documents and records may not be relied on to the extent they contain the statements of a party or witness who has not submitted to cross-examination. This rule, however, does not apply to a situation where the evidence involves intertwined statements of both parties (e.g., a text message or e-mail thread) and one-party refuses to submit to cross-examination.

In cases that do not depend on a party's or witnesses' statements but rather on other evidence (e.g., video evidence that does not consist of statements or to the extent that the video contains non-statement evidence), the Hearing Officer may still consider this other evidence to reach a determination and must do so without drawing any inference about the determination based on lack of party or witness testimony.

Where a cross-examination question or piece of evidence is relevant but concerns a party's character or prior bad acts, the Hearing Officer cannot exclude or refuse to consider the relevant evidence but may objectively evaluate that relevant evidence by analyzing whether that evidence warrants a high or low level of weight or credibility.

The Hearing Officer will not make credibility determinations based on a person's status as a Complainant, Respondent or witness. Additionally, credibility determinations shall not be based solely on observations of the demeanor of a party or witness when questioned but also on other factors including, but not limited to, specific details, inherent plausibility, internal inconsistency, and corroborating evidence. A party's answers to cross-examination questions must be evaluated in context, including taking into account that a party may experience stress while trying to answer questions.

³ The University reserves the right to delay the hearing, for good cause, if it has less than four (4) business days' notice that a party and that party's advisor will not be present at the hearing.

5. Medical Records

The Hearing Officer may not access, consider, disclose, or otherwise use a party's records maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional which are made and maintained in connection with the provision of treatment to the party unless the party holding such privilege has waived the privilege.

6. Sexual History or Behavior

Evidence of the Complainant's sexual history or behavior is not relevant if it is offered to prove that the Complainant engaged in other sexual behavior or to prove the Complainant's sexual predisposition. Such evidence may be offered to show:

- Prior or subsequent sexual encounters between the Complainant and the Respondent that are offered to prove consent; or
- That a person other than the Respondent was the source of semen, injury, or other physical evidence

C. Sanctions

1. General Considerations

If the Hearing Officer determines that the preponderance of the evidence supports a finding of responsibility under the Title IX Policy, any one or more sanctions may be imposed. In determining appropriate sanction(s), the Hearing Officer may consult the Title IX Coordinator for the purpose of ensuring a particular sanction is feasible, consistent with past practice, and reasonably calculated to end the Policy violation. As part of this determination, the Hearing Officer will be guided by a number of considerations, including, but not limited to:

- Whether the circumstances suggest an increased risk exists that the Respondent will commit additional acts of Prohibited Conduct (e.g., whether there have been other Prohibited Conduct complaints about the same Respondent, whether the Respondent has a history of violent behavior, whether the Respondent threatened sexual violence or other

violence against the Complainant or others);

- Whether the circumstances suggest an increased risk exists of the occurrence of future acts of Prohibited Conduct under similar circumstances (e.g., whether the circumstances reveal a pattern of perpetration via illicit use of drugs or alcohol, at a given location, or by a particular group);
- Whether the Prohibited Conduct was perpetrated with a weapon or involved other aggravating considerations;
- Whether the Respondent upon return to campus would be likely to pose a threat to the safety and/or well-being of the Complainant and/or the UAH community generally and, if so, the nature and extent of the threat and the availability of steps to effectively mitigate the impact;
- The impact of the Prohibited Conduct on the Complainant;
- The impact of the Prohibited Conduct on the University community;
- The need for any sanctions or remedies to eliminate, prevent, or address the existence of a hostile environment within the University community or to maintain a safe and respectful environment conducive to learning, working and living;
- Whether the Respondent accepted responsibility for the Prohibited Conduct; and
- Whether there are any other mitigating, aggravating, or compelling circumstances warranting a sanction or remedy to reach a just and appropriate resolution of the matter.

2. Student Respondent Sanctions

One or more of the following sanctions actions may be imposed on a student Respondent found responsible for a violation(s) of the Title IX Policy:

- **Formal Written Warning** – Formal written warning that the student’s behavior violated Title IX.
- **Probation** – A status in which the student is deemed not to be in good conduct standing with the University for a specified period of time. Probation does not affect the student’s academic standing (i.e., the student may continue attending the University), is not shared with instructors, and is not notated on the student’s permanent academic record. If the student is subsequently found responsible for a violation(s) of the Title IX policy while on probation, more severe sanctions, including suspension or expulsion, may result. Conditions restricting the student’s participation in University activities may also be imposed.
- **Suspension** – Separation of the student from the University for a specified period of time. During the suspension period, the student is administratively banned from the University and may not be present on University premises; attend or participate in classes; access various University electronic systems; or participate in student organizations or any University-sponsored activity. Violation of the terms of suspension may subject the student to additional sanctions or criminal action. The student will be automatically

withdrawn from registered courses based upon the effective date of the suspension. The student will be responsible for any financial obligations to the University but may be eligible for a refund of tuition and fees based upon the effective date of the suspension and the University's institutional refund policy. Notation of the suspension will appear on the student's permanent academic record and will remain until the end of the suspension period.

- **Expulsion** – Permanent separation of the student from the University. The student is administratively banned from the University and may not be present on University premises, attend or participate in classes; access various University electronic systems; or participate in student organizations or any University-sponsored activity. Violation of the terms of expulsion may subject the student to criminal action. The student will be automatically withdrawn from registered courses based upon the effective date of the expulsion. The student will be responsible for any financial obligations to the University but may be eligible for a refund of tuition and fees based upon the effective date of the suspension and the University's institutional refund policy. Notation of the expulsion will appear on the student's permanent academic record.

- **Housing Reassignment or Removal from University Housing** – Reassignment to another University housing facility and/or loss of the privilege of living in University housing. Removal may be for a definite period of time not less than the remainder of the semester in which the removal is imposed or for an indefinite period of time. If the removal is for an indefinite period, the student may petition the Director of Residence Life and the Title IX Coordinator in writing for restoration of University housing privileges, but not earlier than one (1) calendar year from the effective date of the removal. The student will be responsible for any financial obligations to the University as set forth in the student housing contract between the University and the student.

- **Additional Sanctions** – The following sanctions may also be imposed: exclusion and/or administrative ban from all or a portion of any University premises or any University-sponsored activity, as specified in the sanction, for a definite or indefinite period of time; an administrative no-contact order with an individual(s); alcohol/substance use assessment and education; anger management assessment and education; essay/reflection or research paper; mandatory assessment with a licensed counselor; community service and/or participation in educational programs; removal from intercollegiate athletic team and loss of athletic scholarship.

3. Faculty, Staff, Affiliates, and Non-Affiliates (non-students) Respondents Sanctions

Sanctions for non-student Respondents may include, but are not limited to, formal written warning, suspension without pay (vacation, holiday, or sick time benefits

will be paid by UAH during suspension), imposed probation, reassignment of job responsibilities or duties, mandatory counseling, mandatory attendance at the Employee Assistance Program, demotion, ineligibility to receive raise or promotion, suspension of annual merit increase, decrease in salary, transfer, revocation of tenure, termination (including termination of tenured faculty), campus ban/no trespass warning from UAHPD, prohibition on further employment at the University, loss of University benefits for retirees, and referral to proper law enforcement authorities for prosecution.

D. Notice of Hearing Outcome Letter

The Hearing Officer will provide the parties with the final hearing decision (“Hearing Outcome Letter”) no later than seven (7) business days after the conclusion of the hearing. The Hearing Outcome Letter must include the following information:

- Identification of the allegations potentially constituting sexual harassment as defined in the Title IX Policy;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of UAH’s Title IX Policy to the facts;
- A statement of and rationale for the result as to each allegation in the Formal Complaint, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s education program or activity will be provided by the University to the Complainant; and
- UAH’s procedures for the Complainant and Respondent to appeal.

The Hearing Officer will simultaneously issue the “Hearing Outcome Letter” to both the Complainant and the Respondent within seven (7) business days following the hearing (or such longer time as the Title IX Coordinator (or Designee) may for good cause determine). The Hearing Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader University community. The Hearing Outcome Letter will not disclose any remedial measures provided to the Complainant.

The hearing decision will not be final and, if the Respondent is found responsible, sanctions will not be imposed until the appeal process is completed or the deadline to file an appeal has passed and no appeal was filed.

VI. APPEALS PROCESS

A. Appeal of Sanctions when Respondent Accepts Responsibility

For cases of Acceptance of Responsibility, the Complainant and/or Respondent can only appeal based on the grounds that the sanction(s) imposed are either too severe or too lenient. Appeals must be submitted to the appropriate Appeals Officer as outlined below:

- Student Appeals are submitted to the Vice President of Student Affairs or his or her Designee.
- Staff Appeals are submitted to the relevant Vice President or his or her Designee.
- Faculty Appeals are submitted to the Provost or his or her Designee.

Each party may respond in writing to any appeal submitted by the other party. Written

responses must be submitted within five (5) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party. The sanction review will ordinarily be a review of the Title IX summary report and any information submitted by the parties to the Appeals Officer. The Appeals Officer has the ability to sustain or modify the sanctions. The Appeals Officer will simultaneously notify the parties of the appeal decision within fifteen (15) business days of receipt of all written responses. The appeal decision is final.⁴

B. Appeal of Dismissal of Formal Complaint

Both the Complainant and the Respondent may seek a review of a dismissal of a Formal Complaint under the Title IX process based on the following grounds:

- Procedural irregularity that affected the outcome of the matter;

⁴ The appeal is final pursuant to the Title IX Policy and Procedures but a Respondent may have additional rights under separate policies and procedures.

- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome; or
- The Title IX Coordinator or designee had a conflict of interest or bias that affected the outcome of the matter

Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party. The Appeals Officer will simultaneously notify the parties of the appeal decision within fifteen (15) business days of receipt of all written responses. The appeal decision is final.

C. Appeal of Hearing Officer's Decision

Both the Complainant and Respondent have a right to seek a review of the Hearing Officer's decision with regard to a finding of responsibility or non-responsibility and/or the imposed sanctions. Appeals must be submitted to the appropriate Appeals Officer as outlined below:

- Student Appeals are submitted to the VP of Student Affairs or his or her designee.
- Staff Appeals are submitted to the relevant Vice President or his or her designee.
- Faculty Appeals are submitted to the Provost or his or her designee.

The Complainant and Respondent have the right to appeal the Hearing Officer's final determination of responsibility and/or the resulting disciplinary sanction(s) solely on the following grounds:

- The existence of a procedural irregularity that materially affected the Hearing Officer's decision and/or recommended sanctions;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome;
- The Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias that affected the outcome; and/or
- The recommended sanction(s) is too severe or too lenient.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the Hearing Officer's decision will be presumed to have been decided reasonably and appropriately. Appeals are not intended to be a rehearing of the matter. The scope of the appeal will be limited only to the permissible grounds outlined above that have been accepted for review. In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The Appeals Officer may speak to the Investigator, the Hearing Officer, or the parties, as appropriate. The Appeals Officer will defer to the original Hearing Officer's decision, making changes to the Hearing Officer's findings only where there is clear error.

Written requests for appeal must be submitted within three (3) business days following delivery of the notice of the outcome. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

If an appeal is granted, the Appeals Officer may remand the case to the Hearing Officer and provide instructions regarding the nature and extent of its reconsideration. The Hearing Officer will act promptly to reconsider the matter consistent with those instructions.

Following reconsideration, the finding of the Hearing Officer or the sanction imposed by the Hearing Officer will be final and not subject to further appeal under the Title IX Policy. Alternatively, the Appeals Officer may modify the Hearing Officer's decision and/or sanction in accordance with the Title IX Policy and these Procedures.

If the appeal is denied, the matter is closed, and the Hearing Officer's decision stands as final. The Appeals Officer will issue a written decision describing the result of the appeal and the rationale for the result. The appeal decision will be provided simultaneously to both parties no later than fifteen (15) business days after all written responses are received. In the event of a determination that the Title IX Policy was violated by an employee, the Hearing Outcome Letter and appeal decision will be provided to the Dean of the Respondent's School or College and/or Department Chair (if the Respondent is a faculty member), the Provost (if the Respondent is a Dean), or relevant Vice President and/or appropriate Supervisor (if the Respondent is a staff member or third-party).

VII. REMEDIES

After a final determination of a finding of responsibility, in addition to the imposition of sanctions, the Title IX Coordinator will determine what remedies may need to be implemented to restore or preserve equal access to the University's education program or activity or employment as set forth in the Title IX Policy. The Title IX Coordinator will also identify any appropriate remedies/measures to address any effects of substantiated Prohibited Conduct on the University community.

VIII. OTHER RELEVANT INFORMATION

A. External Agreements

The University will not recognize or enforce agreements between the parties outside of these Procedures. The University will recognize, however, a lawfully issued protective order under Alabama law.

B. Withdrawal and Readmission

If a student Respondent voluntarily withdraws from the University, fails to re-enroll for a subsequent semester, is no longer employed by the University or is no longer associated with the University while a Formal Complaint against him or her is pending, permission for readmission will be considered only after the charges have been resolved. For student Respondents, a hold will be placed on the Respondent's record that prevents them from registering or enrolling at the University in the future. The Respondent may be prohibited from entering campus or attending campus-sponsored events. The Respondent's conduct record/ personnel file may indicate that they disassociated from the University after a complaint was asserted and pending disciplinary review. Resolution of the case and permission from the Title IX Coordinator or designee will be required before a Respondent is permitted to return to the University.

C. Preservation of Records

The Title IX Coordinator and/or the Human Resources Department/ Provost Office will maintain for a period of seven (7) years all records related to the following: all Formal Complaints, including the investigation and disposition, any disciplinary sanctions imposed, any remedies provided to the Complainant, any audio or audiovisual recording or transcript of the live hearing, any appeal and results, any informal resolution and the results therefrom, and all materials used to train Title IX Coordinators, Deputy Title IX Coordinators, Title IX Investigators, Hearing Officers, and any person who facilitates a voluntary informal resolution process.

The date of the record's creation begins the seven (7) year period. All records maintained pursuant to this provision are considered confidential and subject to applicable state and federal privacy laws.

PROCEDURES FOR THE RESOLUTION OF TITLE IX SEX DISCRIMINATION REPORTS (NON-HARASSMENT) AGAINST FACULTY, STAFF, AFFILIATES, AND NON-AFFILIATES

I. OVERVIEW AND APPLICABILITY

The University of Alabama in Huntsville ("UAH" or the "University") has developed these Procedures for the Resolution of Title IX Sex Discrimination (Non-Harassment) Reports Against Faculty, Staff, Affiliates, and Non-Affiliates (the "Procedures") pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as "Title IX"). These Procedures should be read in conjunction with the Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy (the "Title IX Policy"), Faculty Handbook, and Staff Handbook, which include additional information regarding applicable definitions, key terms, reporting options, available resources and other relevant topics. These Procedures will be used to assess, investigate and/or resolve Reports of sex discrimination covered under Title IX brought against UAH faculty, staff, affiliates¹, and nonaffiliates²

but which do not fall within the category of Sexual Harassment or Sexual Violence as defined in UAH's Title IX Policy. Sex discrimination prohibited by the Title IX Policy is defined as the exclusion from participation in, denial of benefits from, or subjection to unfavorable treatment in any University educational or employment-related program or activity on the basis of gender, sexual orientation, gender identity, or gender expression.

Formal Complaints of Sexual Harassment and Sexual Violence against UAH faculty and

staff members will be assessed, investigated and/or resolved using the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints. Formal Complaints of Sexual Harassment or Sexual Violence that include allegations of both sexual harassment and sex discrimination (non-harassment) will be addressed pursuant to the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints.

All other Reports of discrimination against faculty and staff, including but not limited to those based on race, color, religion, ethnic origin, age, and disability, will be resolved using UAH's Discrimination Complaint/Grievance Procedure. Additionally, any sex discrimination that does not rise to the level of Prohibited Conduct and/or falls outside the jurisdiction of the Title IX policy and these Procedures may be investigated and addressed pursuant to other applicable policies, including, but not limited to, UAH's Equal Opportunity and Affirmative Action Policy, Faculty

Handbook Disciplinary Policies and Procedures, and Staff Handbook.

UAH is fully committed to promoting a safe and healthy educational and work environment. All community members are strongly encouraged to report to the University any incident of sex discrimination.

¹ For purposes of these Procedures, an "affiliate" includes, but is not limited to, visiting scholars and post-doctoral fellows who are not otherwise classified as UAH faculty, staff, or students.

² A "non-affiliate" is someone not associated with UAH.

II. RIGHTS OF THE COMPLAINANTS AND RESPONDENTS

A. Right to an Advisor

Complainants and Respondents may be accompanied by one advisor throughout the investigation. That advisor, however, cannot be someone who may be considered a witness during the investigation. An advisor can be present to provide support to a Complainant or Respondent throughout an investigation. An advisor may not speak, write, or otherwise communicate with an Investigator, or any other UAH employee that is part of the investigation process, on behalf of the Complainant or Respondent. An advisor who does not abide by these guidelines may be excluded from the process. The advisor may be legal counsel, but participation will be limited as stated herein. An advisor's failure to comply with the participation limitations outlined in these Procedures and the Title IX Policy may result in the advisor being dismissed from any meeting, or other proceeding. Any fees charged by the advisor are the sole responsibility of the requesting party. Consistent with UAH's obligations to promptly resolve sex discrimination Reports, UAH reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected advisor.

B. Additional Rights of Both Complainants and Respondents

Throughout these investigations, adjudications, and resolution of sex discrimination Reports, both Complainants and Respondents have the following rights:

- To be informed of available options for making a Report;
- To receive a notice of the allegations, an opportunity to respond to allegations, and access to policy statements regarding the investigation process and possible sanctions/disciplinary action;
- To be advised of UAH's prohibition on retaliation against an individual who exercises their rights under the Title IX Policy;
- To receive information regarding Supportive Measures and community support

resources (including, but not limited to, modification of academic, a no contact or limited no-contact directive; living, transportation, or working situations; available health and mental health counseling; and, if applicable, disability accommodations);

- To receive Supportive Measures;
- To a thorough and impartial investigation;
- To be notified in writing when final results become available;
- To have access to published policies regarding sex discrimination and UAH's disciplinary procedures, including the possible range of sanctions/disciplinary action;
- To be notified that information and materials UAH obtains during its investigation into allegations of sex discrimination may be disclosed in response to a valid subpoena; and
- To be notified that Respondent is not required to make a statement or otherwise provide information relevant to the investigation.

III. SUPPORTIVE MEASURES

Supportive Measures are available upon receipt of a Report of sex discrimination and prior to the resolution thereof, as appropriate. The issuance of Supportive Measures is not disciplinary

in nature and should not be construed as a determination by that the Respondent has engaged in

sex discrimination. Supportive Measures are available for the Complainant, Respondent, and/or the campus community while the University is investigating an allegation of sex discrimination.

Both the Complainant and Respondent (or someone on behalf of the Complainant or Respondent)

may request Supportive Measures from the Title IX Coordinator or a Deputy Title IX Coordinator.

The Title IX Coordinator will work with the appropriate University office(s), including Human Resources, to ensure that any necessary Supportive Measures are promptly provided.

Available

Supportive Measures may include, but are not limited to the following:

- Change in work schedule or job assignment;
- Limiting access to certain University facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- University-imposed leave, suspension, or separation for the Respondent;
- Access to on-campus counseling services and referral to off campus counseling resources;
- Institutional resources pertaining to visa/immigrant status;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to drop a course without penalty or to transfer;
- Change in student's campus housing;
- Assistance from University support staff in completing housing relocation;
- Providing academic support services, such as tutoring; and
- Any other measure that can be tailored to the involved individuals to achieve the goals of the Title IX Policy, Equal Opportunity/ Affirmative Action Policy, and Discrimination Complaint/Grievance Procedure.

The University will maintain the privacy of any Supportive Measure provided under the Title IX Policy to the extent practicable and permitted by law. An individual's failure to comply with restrictions imposed by Supportive Measures is a violation of the Title IX Policy and a basis for disciplinary action.

IV. INVESTIGATION PROCEDURES AND SANCTIONS

A. Time Frame for Resolution

The University seeks to resolve Reports of sex discrimination as promptly as reasonably possible. Best efforts will be made to follow the time frames discussed below.

In calculating time periods, "business days" do not include weekends or UAH holidays.

All time frames may be extended when necessary to ensure the integrity and completeness of the investigation, accommodate the availability of witnesses, accommodate delays by the parties, account for University breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing.

UAH will disclose information about its investigation and resolution of sex discrimination

Reports only to those who need to know the information to carry out their duties and responsibilities. It will inform all UAH personnel participating in an investigation, proceeding, or Hearing that they are expected to maintain the privacy of the process. This does not prohibit either

a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

B. Initial Assessment

When a Report of sex discrimination is made, the Title IX Coordinator³, in collaboration with Human Resources, will conduct an Initial Assessment. The assessment will determine whether the alleged conduct presents a potential violation of the Title IX Policy and whether further action is warranted based on the alleged conduct.

The Initial Assessment normally begins with a preliminary meeting between the Complainant and the Title IX Coordinator or designee, in collaboration with Human Resources. The purpose of the preliminary meeting is to gather facts that will enable the Title IX Coordinator and Human Resources, in consultation with other offices as appropriate, to:

- Assess the nature and circumstances of the allegation(s);
- Address any immediate concerns about the emotional well-being of the parties;
- Address the rights of the parties as outlined in Section II above;
- Discuss available Supportive Measures as outlined in Section III above;
- Discuss the Complainant's expressed preference for the manner of resolution and any barriers to proceeding;
- Explain UAH's policy prohibiting retaliation; and
- Explain the right and role of an advisor.

If a Complainant wants to make a Report of sex discrimination but also wants to maintain anonymity and/or request that no investigative or disciplinary measures be taken, the Title IX Coordinator will advise the Complainant that UAH will consider the request but cannot guarantee

it will be able to honor the request. UAH will weigh such a request against its obligation to provide

a non-discriminatory environment. In determining whether it can honor a request for confidentiality, the following factors will be considered:

- The nature and scope of the alleged conduct;
 - The risk posed to any individual or to the campus community by not proceeding;
 - Whether there have been other Reports of sex discrimination by the Respondent;
 - The Complainant's wish to pursue disciplinary action;
 - Whether UAH possesses other means to pursue the investigation and obtain relevant evidence without participation from the Complainant;
 - Considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
 - UAH's obligation to investigate and to provide a non-discriminatory environment.
- UAH's ability to fully investigate and respond to a Report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation.

At the conclusion of the Initial Assessment, the Title IX Coordinator, in collaboration with Human Resources, will determine the appropriate resolution route. Resolution may include: (1) no further action; (2) Informal Voluntary Resolution; (3) the initiation of an investigation which may lead to disciplinary action; or (4) referral to Human Resources, the Provost, Dean, Supervisor, or other appropriate office for further inquiry, review, or assessment.

³ The Title IX Coordinator includes any selected Deputy Title IX Coordinator(s) and is hereinafter referred to as "Title IX Coordinator."

C. Informal Voluntary Resolution

Informal Voluntary Resolution, when selected by the Complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the Complainant and preserves the safety and welfare of the campus community. Informal Voluntary Resolution does not involve an investigation or disciplinary action against a Respondent, and is not appropriate for all forms of conduct under the Title IX Policy. The time frame for completion of Informal Voluntary Resolution may vary, but UAH will seek to complete the process within sixty (60) business days of the Complainant's request.

UAH retains the discretion to determine, when selected by the Complainant, which cases are appropriate for Informal Voluntary Resolution. A Complainant may request and decide to pursue Informal Voluntary Resolution at any time. In those cases in which Informal Voluntary Resolution involves either the notification to, or participation by, the Respondent, it is the Respondent's decision whether to accept Informal Voluntary Resolution.

Informal Voluntary Resolution may include: establishing Supportive Measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring and/or supervision; facilitating a meeting with the Respondent with the Complainant present in appropriate cases; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Title IX Policy. In some forms of Informal Voluntary Resolution, the remedies imposed will focus on supporting the Complainant with no participation or involvement by the Respondent. In other forms of

Informal Voluntary Resolution, the Respondent may agree to participate. Depending on the type of remedy used, it may be possible for a Complainant to maintain anonymity. Informal Voluntary Resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for misconduct and acknowledge harm to the Complainant or to the UAH community. Restorative models will be used only with the consent of both parties, under the supervision of University-sanctioned trained professionals, and following a determination by UAH that the matter is appropriate for a restorative approach. As the title implies, participation in Informal Voluntary Resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if Informal Voluntary Resolution is unsuccessful at resolving the Report. Similarly, a Complainant can request to end an investigation and pursue Informal Voluntary Resolution at any time. In addition, either party may request Supportive Measures regardless of whether any particular course of action is sought. Facilitators cannot be used as a witness during a subsequent investigation or adjudication hearing. Because the outcome of the Informal Voluntary Resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

D. Investigation Procedures

If deemed appropriate based on the Initial Assessment, UAH will initiate a prompt, thorough, and impartial investigation of conduct that the Title IX Coordinator, in collaboration with Human Resources, determines involves matters covered by these Procedures (i.e., Reports of non-harassment sex discrimination brought against UAH faculty and staff members, affiliates, and non-affiliates under Title IX). The Title IX Coordinator, in collaboration with Human Resources and/or Provost, will designate one or more Investigators who have training and experience investigating allegations of matters covered by these Procedures. The Investigator will coordinate the gathering of information to determine whether the preponderance of the evidence establishes that the alleged conduct constitutes a violation of the Title IX Policy. A preponderance of the evidence means that it is more likely than not that the conduct occurred based on a totality of the circumstances.

The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigator concludes that it is more likely than not that the Respondent violated the Title IX Policy. Neither party is required to participate in the investigation nor any form of resolution under these Procedures. The Investigator will not draw an adverse inference merely because either of the parties elected not to participate.

UAH will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to conduct a thorough investigation.

1. Notice of Investigation

The Title IX Coordinator, in collaboration with the Deputy Title IX Coordinator for Human Resources, will send the Complainant and the Respondent and, if applicable, the Respondent's appropriate supervisor(s), a written Notice of Investigation, which constitutes the formal charge of a violation of the Title IX Policy. The Notice of Investigation will contain a summary of the allegation or conduct at issue (which may generally include the identities of the parties involved, the specific section of the Title IX Policy allegedly violated, and the date and location of the

incident), the range of potential violations under the Title IX Policy, and the range of potential sanctions. Once the Notice of Investigation has been delivered to the parties, the investigation phase begins.

2. Conducting the Investigation

The Title IX Coordinator, in collaboration with Deputy Title IX Coordinator for Human Resources, will oversee the investigation. The investigation is designed to provide a fair and reliable gathering of the facts by an impartial investigator. All individuals, including the Complainant, the Respondent, and any third-party witnesses, will be treated with appropriate sensitivity and respect throughout the investigation. The investigation will safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy. During the investigation, the Complainant and Respondent will have an equal opportunity to be heard, submit information, and identify witnesses who may have relevant information. The Investigator will speak separately with the Complainant, the Respondent, and other individuals who are willing to participate and have information relevant to the determination of responsibility. As part of the investigation, the Investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on parties. The Investigator will also endeavor to gather any available evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, audio or video recordings, and other records as appropriate, available, and feasible. The Investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility and may exclude information if the Investigator determines that the information is irrelevant. The Investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty.

3. Timing of the Investigation

UAH will seek to conclude the investigation within sixty (60) business days from the issuance of the Notice of Investigation. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended as set forth herein above.

Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

4. Cooperation in the Investigation

All community members, including students, faculty and other UAH employees, who may have relevant information and/or be a witness, are strongly encouraged and expected to cooperate with the Title IX Coordinator, the Deputy Title IX Coordinator for Human Resources, and/or Investigator in the investigation, as well as any adjudication, of any Report. The Title IX Coordinator, Deputy Title IX Coordinator for Human Resources, and/or Investigator may request the appearance of persons from the University community who can provide relevant evidence. Both a Complainant and a Respondent may decline to participate in proceedings under the Title IX Policy. The Title IX Coordinator, in collaboration with Deputy Title IX Coordinator for Human Resources, will determine whether the investigation will proceed without

the Complainant pursuant to the factors set out in the Initial Assessment as described in Section IV.B. above.

5. Submission of Additional Evidence

At the conclusion of the investigation and prior to preparing the Final Investigation Report, the Investigator will notify the Complainant and Respondent of the completion of the investigation and provide them with the opportunity to submit any additional evidence, such as witness identities, documents, or other information not previously submitted. The parties will have ten (10) business days from the date the notification is sent to submit any such additional evidence in writing. In the absence of good cause, evidence discoverable through the exercise of due diligence that is not provided to the Investigator will not be considered by the Investigator.

6. Investigation Findings and Sanctions

After receipt and consideration of any additional evidence from the Complainant or Respondent, or after the ten (10) business days have lapsed without the submission of additional evidence, the Investigator will make a determination, by a preponderance of the evidence standard, regarding whether a Title IX Policy violation occurred. In reaching this determination, the Investigator may consult with the Title IX Coordinator and the Deputy Title IX Coordinator for Human Resources (or designee). The Investigator will prepare an outcome letter (“Notice of Outcome letter”) that summarizes the findings. The Title IX Coordinator or designee will provide the Notice of Outcome letter, including the basis for the determination, in writing to the Complainant and the Respondent simultaneously. When the Respondent is determined not to have violated the Title IX Policy, the matter will be closed. When the Respondent is determined to have violated the Title IX Policy, the determination will also be forwarded to the appropriate person, as indicated below.

In the event of a determination that the Title IX Policy was violated, the Notice of Outcome letter will then be provided to the Dean of the Respondent’s School or College and/or Department Chair (if the Respondent is a faculty member), the Provost (if the Respondent is a Dean), or relevant Vice President and/or appropriate Supervisor(s) (if the Respondent is a staff member or third-party). The Dean, Provost, or relevant Vice President, or Supervisor, will consult with Human Resources or any other appropriate office, and make a final determination as to the appropriate disciplinary sanction for the Respondent’s violation of the Title IX Policy. The Title IX Coordinator will inform the Complainant that appropriate corrective action has been taken, but cannot reveal the specifics of the action if it is a confidential personnel action.

a. Faculty

Faculty Respondents have the right to appeal the determination in the Notice of Outcome Letter and the sanction imposed by the Respondent’s Dean to the Provost. Any appeal must be in writing and must be filed with the Provost within ten (10) business days of the date of the Dean’s final decision was sent.

In any request for an appeal, the burden of proof lies with the faculty Respondent because the University’s determination as to whether the faculty Respondent’s conduct violated the Title IX Policy will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence. Therefore, an appeal is available only on the following grounds:

- The existence of a procedural irregularity that materially affected the decision

and/or recommended sanctions;

- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility or sanctions was made that could affect the outcome;
- The Title IX Coordinator and/or investigator(s) had a conflict of interest or bias that affected the outcome; and/or
- The recommended sanctions are too severe or too lenient.

Appeals are not intended to be a re-investigation of the matter. The scope of the appeal will be limited only to the permissible grounds outlined above that have been accepted for review. In most cases, appeals are confined to a review of the written documentation or pertinent documentation regarding the grounds for appeal. The appeal must be in writing, be submitted to the Provost, and contain the names of the Complainant and the Respondent, as well as a detailed statement of the basis for the appeal including the specific facts, circumstances, and argument in support of the requested action. The Provost have exclusive discretion to accept an untimely appeal in the event of extenuating circumstances. The Provost may speak to the Investigator or the parties, as appropriate. The Provost will defer to the original findings, making changes only where there is clear error.

The Provost will endeavor to make a final decision within twenty-one (21) business days of receipt of the appeal. The Provost has discretion to take any and all actions that the Provost determines to be in the interest of a fair and just decision. The Provost shall issue a written statement of the resolution of the appeal, including any changes made, to the Title IX Coordinator,

the Deputy Title IX Coordinator for Human Resources, the Complainant, and the Respondent. If the Provost determines that the Respondent has not violated the Title IX Policy, the matter will be closed. If there is a final determination that there was a Title IX policy violation, a faculty Respondent will be subject to disciplinary action. A faculty respondent may have additional rights pursuant to the UAH Faculty Handbook.

b. Staff

A determination that a violation of the Title IX Policy has occurred shall subject a staff member to appropriate disciplinary action reasonably calculated to the end the Title IX Policy violation. UAH has adopted a philosophy of progressive discipline. However, one violation of the Title IX Policy could result in termination of employment. See the Staff Handbook to review the applicable disciplinary and/or grievance/appeal process.

c. Community Member / Third-Party / Affiliate / Non-Affiliate / Campus Visitor

If the Title IX Investigator determines that a third-party, visitor, affiliate, or non-affiliate (i.e., an individual not affiliated with UAH) violated the Title IX policy, the Title IX Investigator will notify the relevant Vice President. After reviewing the determination and in consultation with any other appropriate office, sanctions will be determined.

In determining appropriate sanctions, the disciplinary sanction must be reasonably calculated to end the Title IX Policy violation.

E. ACCEPTANCE OF RESPONSIBILITY

The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged sex discrimination. The Title IX

Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with Human Resources and/or the Provost will determine the appropriate sanction(s). A faculty or staff respondent may have additional rights pursuant to the UAH Faculty Handbook Disciplinary Policy and Procedures and the Staff Handbook Problem Resolution Procedures.

V. INTERSECTION WITH OTHER PROCEDURES

These Procedures are the exclusive means of resolving Reports of alleged violations of Title IX involving sex discrimination (non-harassment) brought against UAH faculty, staff, affiliates, and non-affiliates. To the extent there are any inconsistencies between these Procedures and other University grievance, complaint, or discipline procedures, these Procedures will control the resolution of complaints alleging violations of Title IX involving complaints of sex discrimination (non-harassment) brought against UAH faculty, staff, affiliates, and non-affiliates.

UAH recognizes that conduct that implicates the Title IX Policy can occur in connection with misconduct related to a person's race, color, ethnicity, national origin, religion, age, disability, pregnancy, or other protected class. This conduct may also be a violation of state and federal law and University Policy. Under these circumstances, UAH will endeavor to coordinate the investigation and resolution efforts of matters covered by these Procedures (i.e., all Reports of sex discrimination (non-harassment) brought against UAH faculty, staff, affiliates, and nonaffiliates) with the investigation and resolution of complaints of other discrimination or harassment.

PROCEDURES FOR THE RESOLUTION OF TITLE IX SEX DISCRIMINATION REPORTS (NON-HARASSMENT) AGAINST STUDENTS

I. OVERVIEW AND APPLICABILITY

The University of Alabama in Huntsville ("UAH" or "University") developed these Procedures for the Resolution of Title IX Sex Discrimination (Non-Harassment) Reports Against Students (the "Procedures") pursuant to and in compliance with Title IX of the Education Amendments of 1972 and its implementing regulations (collectively referred to as "Title IX"). These Procedures should be read in conjunction with the Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy ("the Title IX Policy") and the Code of Student Conduct, which includes additional information regarding applicable definitions, key terms, reporting options, available resources and other relevant topics.

These Procedures will be used to assess, investigate and/or resolve Reports of Prohibited Conduct prohibited by the Title IX Policy brought against UAH students (undergraduate, graduate, full-time, and part-time) that do not fall within the category of Sexual Harassment or Sexual Violence as defined in UAH's Title IX Policy. Sex discrimination prohibited by the Title IX Policy is defined as the exclusion from participation in, denial of benefits from, or subjection to unfavorable treatment in any University educational or employment-related program or activity on the basis of gender, sexual orientation, gender identity, or gender expression.

Formal Complaints of Sexual Harassment or Sexual Violence against students will be assessed, investigated, and/or resolved using the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints. Formal Complaints of Sexual Harassment or Sexual Violence that include allegations of both sexual harassment and sex

discrimination (nonharassment) will be addressed pursuant to the Procedures for the Resolution of Title IX Sexual Harassment and Sexual Violence Complaints.

All other Reports of discrimination against students, including but not limited to those based on race, color, religion, ethnic origin, age, and disability, will be resolved using the UAH's Discrimination Complaint/Grievance Procedure. Additionally, any sex discrimination that does not rise to the level of Prohibited Conduct and/or falls outside the jurisdiction of the Title IX policy and these Procedures may be investigated and addressed pursuant to other applicable policies, including, but not limited to, UAH's Equal Opportunity and Affirmative Action Policy, Discrimination Complaint/Grievance Procedures, and Code of Student Conduct.

UAH is fully committed to promoting a safe and healthy educational and work environment. All community members are strongly encouraged to report to the University any incident of sex discrimination.

II. RIGHTS OF THE COMPLAINANTS AND RESPONDENTS

A. Right to an Advisor

Complainants and Respondents may be accompanied by one advisor throughout the investigation. That advisor, however, cannot be someone who may be considered a witness during the investigation. An advisor can be present to provide support to a Complainant or Respondent throughout an investigation and any hearing process. An advisor may not speak, write, or otherwise communicate with an Investigator, any student or University employee that is part of the investigation process, or the Hearing Panel on behalf of the Complainant or Respondent. An advisor who does not abide by these guidelines may be excluded from the investigation and/or hearing process. The advisor may be legal counsel, but participation will be limited as stated herein. An advisor's failure to comply with the participation limitations outlined in these Procedures and the Title IX Policy may result in the advisor being dismissed from any meeting, or other proceeding. Any fees charged by the advisor are the sole responsibility of the requesting party. Consistent with the University's obligations to promptly resolve sex discrimination Reports, the University reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected advisor.

B. Additional Rights of Both Complainants and Respondents

These procedures for the investigation and resolution of sex discrimination Reports against students are designed to be accessible, prompt, fair, and impartial. Throughout the investigation, adjudication, and resolution of sex discrimination Reports, both complainant(s) and Respondent(s) have the following rights:

- To be informed of available options for making a Report of Sex Discrimination;
- To receive a notice of the allegations, an opportunity to respond to allegations, and access to policy statements regarding the investigation process and possible sanctions/disciplinary action;
- To be advised of the University's prohibition on retaliation against an individual who exercises their rights under Title IX or the Title IX Policy;
- To receive information regarding University and community support resources (including, but not limited to, modification of academic, living, transportation, or working situations; and available health and mental health counseling, victim advocacy, safety planning, information about possible legal assistance, visa and immigration assistance, student financial aid, and, if applicable, disability accommodations). A request for such accommodations or Supportive Measures, if they are reasonably available, will be

provided;

- To a thorough and impartial investigation;
- To be accompanied by an Advisor at all University proceedings relevant to the investigation and Hearing process, subject to the limitations outlined herein;
- Subject to the limitations set forth herein, to be notified of significant actions and proceedings relevant to the University investigation and Hearing process;
- To be notified of the appeal process and whether an appeal is available;
- To be notified in writing when final results become available;
- To have access to published policies regarding Title IX and University disciplinary procedures, including the possible range of sanctions;
- To be notified that information and materials the University obtains during its investigation into allegations of sex discrimination may be disclosed in response to a valid subpoena; and
- To be notified that Respondent is not required to make a statement or otherwise provide information relevant to the investigation.

III. SUPPORTIVE MEASURES

Supportive Measures are available upon receipt of a Report of sex discrimination and prior to the resolution thereof, as appropriate. The issuance of Supportive Measures is not disciplinary in nature and should not be construed as a determination by the University that the Respondent has engaged in sex discrimination. Supportive Measures are available for the Complainant, Respondent, and/or the campus community while the University is investigating an allegation of sex discrimination. Both the Complainant and Respondent (or someone on behalf of the Complainant or Respondent) may request Supportive Measures from the University Title IX Coordinator or a Deputy Title IX Coordinator. The Title IX Coordinator will work with the appropriate office(s) to ensure that any necessary supportive measures are promptly provided. The range of Supportive Measures may include, but are not limited to the following:

- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Change in class schedule, including the ability to drop a course without penalty or to transfer;
- Change in work schedule or job assignment;
- Change in student's campus housing;
- Assistance from University support staff in completing housing relocation;
- Limiting access to certain University facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing academic support services, such as tutoring;
- Institutional resources pertaining to visa/immigrant status;
- University-imposed leave, suspension, or separation for the Respondent; and
- Any other measure that can be tailored to the involved individuals to achieve the goals of this Policy.

UAH will maintain the privacy of any Supportive Measures provided under the Title IX Policy to the extent practicable.

An individual's failure to comply with restrictions imposed by Supportive Measures is a violation of the Title IX Policy and Code of Student Conduct and may be a basis for conduct action.

IV. INVESTIGATION PROCEDURES

A. Time Frame for Resolution

The University seeks to resolve all Reports of sex discrimination as promptly as reasonably possible. Best efforts will be made to follow the time frames discussed below.

In calculating time periods, “business days” do not include weekends or UAH holidays.

All time frames may be extended when necessary to ensure the integrity and completeness of the investigation, accommodate the availability of witnesses, accommodate delays by the parties, account for University breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. UAH will disclose information about its investigation and resolution of sex discrimination Reports only to those who need to know the information to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or Hearing that they are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

B. Initial Assessment

When a Report of sex discrimination is made, the Title IX Coordinator¹ will conduct an Initial Assessment. This assessment will determine whether the alleged conduct could present a potential violation of the Title IX Policy and whether further action is warranted based on the alleged conduct.

The Initial Assessment normally begins with a preliminary meeting between the Complainant and the Title IX Coordinator or designee. The purpose of the preliminary meeting is to gather facts that will enable the Title IX Coordinator, in consultation with other offices as appropriate, to:

- Assess the nature and circumstances of the allegation(s);
- Address any immediate concerns about the emotional well-being of the parties;
- Notify the Complainant of the availability of medical treatment to address any mental and emotional health concerns and to preserve evidence;
- Provide the Complainant with written information about:
 - On and off campus resources;
 - The available range of Supportive Measures;
 - An explanation of the procedural options, including Voluntary Resolution, Investigation, and Adjudication; and
 - The Complainant’s rights during the process;
- Discuss the Complainant’s expressed preference for manner of resolution and any barriers to proceeding;
- Explain the University’s policy prohibiting Retaliation; and
- Explain the role of an advisor.

If a Complainant wants to make a Report of sex discrimination but also wants to maintain anonymity and/or request that no investigative or disciplinary measures be taken, the Title IX Coordinator will advise the Complainant that the University will consider the request but cannot guarantee it will be able to honor the request. The University will weigh such a request in light of

the University's obligation to provide a non-discriminatory environment. There will be times when the University may not be able to honor a request so as to comply with this obligation. In determining whether it can honor a request for confidentiality, some or all of the following factors may be considered:

- The nature and scope of the alleged conduct;
- The respective ages and roles of the Complainant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding;
- Whether there have been other Reports of sex discrimination involving the Respondent;
- The Complainant's wish to pursue disciplinary action;
- Whether the University possesses other means to pursue the investigation and obtain relevant evidence without participation from the Complainant;
- Considerations of fundamental fairness and due process with respect to the Respondent should the course of action include disciplinary action against the Respondent; and
- The University's obligation to investigate and to provide a non-discriminatory environment.

The University's ability to fully investigate and respond to a Report may be limited if the Complainant requests that their name not be disclosed to the Respondent or declines to participate in an investigation.

At the conclusion of the Initial Assessment, the Title IX Coordinator will determine the appropriate resolution route. Resolution may include: (1) no further action; (2) Informal Voluntary Resolution; or (3) the initiation of an investigation that may lead to sanctions/disciplinary action.

The Respondent will be notified when UAH takes action that would impact a Respondent, such as the initiation of an investigation or the Complainant's decision to seek Informal Voluntary Resolution.

¹ The Title IX Coordinator includes the Deputy Title IX Coordinator for Students and is hereinafter referred to as "Title IX Coordinator."

C. Informal Voluntary Resolution

Informal Voluntary Resolution, when selected by the Complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the discriminatory conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the Complainant and preserves the safety and welfare of the campus community. Informal Voluntary Resolution does not involve an investigation or disciplinary action against a Respondent and is not appropriate for all forms of conduct under the Title IX Policy. The time frame for completion of Informal Voluntary Resolution may vary, but the University will seek to complete the process within sixty (60) business days of the Complainant's request.

A Complainant may request and decide to pursue Informal Voluntary Resolution at any time; however, the University retains the discretion to determine which cases are appropriate for Informal Voluntary Resolution, for example, when the matter is sufficiently serious because it appears to be part of a persistent pattern, the nature of the alleged offense, or because the Complainant seeks to have a sanction imposed. In those cases in which Informal Voluntary Resolution involves either the notification to, or participation by, the Respondent, it is the Respondent's decision whether to accept Informal Voluntary Resolution.

Informal Voluntary Resolution may include: establishing Supportive Measures;

conducting targeted or broad-based educational programming or training for relevant individuals or groups; facilitating a meeting with the Respondent and with the Complainant in appropriate cases; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Title IX Policy. In some forms of Informal Voluntary Resolution, the remedies imposed will focus on supporting the Complainant with no participation or involvement by the Respondent. In other forms of Informal Voluntary Resolution, the Respondent may agree to participate.

Depending on the type of remedy used, it may be possible for a Complainant to maintain anonymity. Informal Voluntary Resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for discrimination and acknowledge responsibility to the Complainant or to the University community. Restorative models will be used only with the consent of both parties, under the supervision of University-approved trained professionals, and following a determination by the University that the matter is appropriate for a restorative approach.

As the title implies, participation in Informal Voluntary Resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if Informal Voluntary Resolution is unsuccessful at resolving the Report. Similarly, a Complainant can request to end an investigation and pursue Informal Voluntary Resolution at any time. In addition, either party may request Supportive Measures regardless of whether any particular course of action is sought.

Facilitators of Informal Voluntary Resolution cannot be used as a witness during a subsequent investigation or adjudication hearing.

Because the outcome of Informal Voluntary Resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

D. Acceptance of Responsibility

The Respondent may, at any time, request to resolve the investigation process or resolve specific allegation(s) by accepting responsibility for the alleged sex discrimination. The Title IX Coordinator will complete a summary report of the information gathered. The Title IX Coordinator will consider the request; if the request is granted, the Title IX Coordinator, in consultation with the Director of Student Conduct will determine the appropriate sanction(s). When a Respondent accepts responsibility for the sex discrimination, both the Complainant and Respondent may only appeal the determination on the basis that the sanction(s) is either too severe or too lenient. The appeal process is detailed in Section IX of these procedures.

E. Investigation Procedures

If deemed appropriate based on the Initial Assessment, the University will initiate a prompt, thorough, and impartial investigation of conduct that the Title IX Coordinator determines involves matters covered by these Procedures (i.e., all Reports of non-harassment sex discrimination falling within the jurisdiction of Title IX brought against a student). The Title IX Coordinator will designate an Investigator(s) who has training and experience investigating allegations of sex discrimination.

The Investigator may be a University employee or an outside investigator. The Investigator will coordinate the gathering of information to determine whether the preponderance of the evidence establishes that the alleged conduct constitutes a violation of the Title IX Policy. A preponderance of the evidence means that it is more likely than not that the alleged conduct occurred based on a totality of the circumstances.

The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Investigator concludes that it is more likely than not that the Respondent violated the Title IX Policy. Neither party is required to participate in the investigation nor any form of resolution under these Procedures. The Investigator will not draw an adverse inference against a party merely because that party elects not to participate in the investigation.

The University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to conduct a thorough investigation.

1. Notice of Investigation

The Title IX Coordinator will send the Complainant and the Respondent a written Notice of Investigation, which constitutes the formal notice of the alleged policy violation(s). The Notice of Investigation will contain the following:

- A summary of the allegations of Prohibited Conduct at issue, which will generally include the identities of the parties involved, the specific section of the Title IX Policy allegedly violated, and the date and location of the incident;
- The range of potential violations under the Title IX Policy;
- On and off campus resources;
- Rights of the Respondent;
- The range of potential sanctions; and
- Notification that expulsion is a potential sanction and that expulsion precludes matriculation (where appropriate).

Once the Notice of Investigation has been delivered to the parties, the investigation phase begins.

2. Conducting the Investigation

The Title IX Coordinator will oversee the investigation. The investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial Investigator. All individuals, including the Complainant, the Respondent, and any third-party witnesses will be treated with appropriate sensitivity and respect throughout the investigation. The investigation will safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy. During the investigation, the Complainant and Respondent will have an opportunity to be heard, submit information, and identify witnesses who may have relevant information. The Investigator will speak separately with the Complainant, the Respondent, and any other individuals who are willing to participate and have information relevant to the determination of responsibility.

As part of the investigation, the Investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged conduct on the parties. The Investigator will also endeavor to gather all available evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, audio or video recordings, and other records as appropriate, available, and feasible.

The Investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility and may exclude information if the Investigator determines that the information is irrelevant. The Investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty.

3. Timing of the Investigation

The University will seek to conclude the investigation within sixty (60) business days from the issuance of the Notice of Investigation. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended as set forth herein above. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

4. Cooperation in the Investigation

All community members, including students, faculty, and staff are strongly encouraged and expected to cooperate with the Title IX Coordinator in the investigation, as well as any adjudication, of any allegations of Prohibited Conduct. The Title IX Coordinator may request to meet with individuals from the University community identified as having relevant evidence. Both a Complainant and a Respondent may decline to participate in proceedings under the Title IX Policy. The Title IX Coordinator will determine whether the investigation and any adjudication will proceed without the Complainant(s) pursuant to the factors set out in the Initial Assessment as described in Section IV above.

5. Submission of Additional Evidence

At the conclusion of the investigation and prior to preparing the Final Investigation Report, the Investigator will notify the Complainant and Respondent of the completion of the investigation and provide them with the opportunity to submit any additional evidence, such as witness identities, documents, or other information not previously submitted. The parties will have ten (10) business days from the date of the notification is sent to submit any such additional evidence in writing. In the absence of good cause, evidence discoverable through the exercise of due diligence that is not provided to the Investigator will not be considered by the Investigator or a Hearing Panel.

6. Final Investigation Report

After receipt and consideration of any additional evidence from the Complainant or Respondent, or after the ten (10) business days have lapsed without the submission of additional evidence, the Investigator will complete a Final Investigation Report. The Final Investigation Report shall summarize and analyze the relevant facts determined through the investigation, with reference to any supporting documentation or statements. The Final Investigation Report shall also include a determination, using the preponderance of the evidence standard, regarding whether the Respondent is responsible for violating the Title IX Policy. In reaching this determination, the Investigator will consult with the Title IX Coordinator. If it is determined that the evidence supports a finding of responsibility, the Final Investigation Report will also include recommended sanctions as set forth herein and/or the Student Conduct Code. All such recommended sanctions identified by the Investigator shall be approved in advance by the Title IX Coordinator. Additional information regarding sanctions is set forth below in Section VII.

The Title IX Coordinator or Designee shall provide a copy of the Final Investigation Report in electronic format to both parties simultaneously, as well as a notice of the right of both parties to request adjudication by a Hearing Panel in accordance with Section V below. The Title IX Coordinator or Designee may, in his/her sole discretion, redact portions of the Final Investigation

Report to protect privacy interests, comply with applicable federal, state, or local law, or address other considerations. As a precondition of receiving a copy of the Final Investigation Report, all parties and their respective advisors (if any) must sign and agree to abide by a non-disclosure agreement.

Upon the conclusion of the investigation, the Title IX Coordinator or Designee will meet with the accused student and discuss whether the student accepts or contests the findings in the Final Investigation Report. If the student accepts responsibility, the Deputy Title IX Coordinator for Students will assign sanctions deemed appropriate.

If the Respondent timely contests one or more of the finding(s) of responsibility, the Respondent may submit a written statement to the Title IX Coordinator or Designee explaining why the Respondent contests such finding(s). The Title IX Coordinator or Designee will allow the Complainant to review such statement and respond in writing within five (5) business days from the date of review.

When the Investigator determines the preponderance of the evidence does not support a finding of responsibility on one or more of the allegations, the Complainant may accept or contest the recommended finding(s) by so notifying the Title IX Coordinator or Designee, in writing. If the Complainant accepts the recommended finding(s) of no responsibility, the investigation will be closed and documented in accordance with applicable University policies. If the Complainant timely contests one or more of the recommended finding(s), the Complainant may submit a written statement to the Title IX Coordinator or Designee explaining why the Complainant contests such finding(s). Title IX Coordinator or Designee will allow the Respondent to review such statement and respond in writing within five (5) business days from the date of review.

Where both the Complainant and the Respondent agree with the determination and any recommended sanction detailed in the Final Investigation Report, or where neither party requests further review within the timelines discussed below, the determination and sanction(s) become final. The Title IX Coordinator will notify both parties concurrently in writing that the determination is final and not subject to further appeal or review.

For both Complainants and Respondents, a request for adjudication by a Hearing Panel is timely when it is delivered in writing to the Title IX Coordinator within five (5) business days after meeting with the Title IX Coordinator/ or Designee to review the findings in the Final Investigation Report.

V. ADJUDICATION BY A HEARING PANEL

A. Review of a Determination that a Title IX Policy Violation Occurred

If the Respondent or Complainant challenges the determination, the Title IX Coordinator will issue a Notice of Hearing to the Complainant and the Respondent and convene a Hearing Panel in accordance with the procedures outlined below. The Hearing Panel's role is twofold: (i) determine whether the preponderance of the evidence establishes a Title IX Policy occurred, and if so, (ii) determine what sanction(s), if any, is warranted.

B. Hearing Process

After issuing a Notice of Hearing, the Title IX Coordinator will designate a Hearing Panel to review the determination in the Final Investigation Report. A Hearing Panel is composed of the following three (3) members selected from a pool of trained individuals: a Hearing Chair, and two (2) additional individuals. Any individual designated by the Title IX Coordinator/ Dean of Student (or Designee) to serve on a Hearing Panel must have sufficient training or experience to serve in this capacity. A Hearing Panel member may decline to participate based on a conflict of interest, bias, or lack of impartiality. The Hearing Chair will conduct and preside over the hearing and is also a voting member of the Hearing Panel. The Hearing Chair's role is to maintain consistency in the hearing process by providing the Hearing Panel with guidance on

all applicable Title IX Policy and procedures, the preponderance of the evidence standard, and the range of available sanctions. The Hearing Chair will also draft the Hearing Panel's determination.

Both parties will be notified at least five (5) business days prior to the pre-hearing meeting with a date, time, location, and the names of the members of the Hearing Panel. The parties may not contact any member of the Hearing Panel prior to the pre-hearing meeting or hearing.

1. Pre-Hearing Meeting

As the first step in the Hearing Process, the Hearing Chair will meet separately with the Investigator and each party to resolve any pre-hearing concerns. At this pre-hearing meeting, the parties will each have the opportunity to identify the witnesses (who have already been identified and interviewed by the Investigator) they wish to call at the hearing; raise any challenge to the composition of the Hearing Panel based on bias, conflict of interest, or lack of impartiality; and identify any evolving or new information not previously identified through the investigation or available through the exercise of due diligence. The parties will also have the opportunity to address questions about the process. If the Complainant is not participating in the hearing, he/she is not required to attend this meeting.

Both parties have the ability to challenge a Hearing Panel member on the basis of an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing, raised no later than the date of the pre-hearing meeting, and clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to object prior to the date of the pre-hearing meeting eliminates the possibility of appealing the outcome of the hearing based on the assertion that a member of the Hearing Panel had a conflict of interest, was biased, or lacked impartiality.

2. Hearing Procedures

The Hearing will be scheduled and conducted in accordance with the procedures outlined herein. The Hearing will take place in a closed session. The Hearing Panel will determine whether the preponderance of the evidence establishes a Title IX Policy violation occurred. In reaching a determination, the Hearing Panel will solicit information from the Investigator, the Complainant, the Respondent, and any witnesses as appropriate to ensure a full assessment of the relevant facts. This information shall be provided in the presence of the parties, unless a party waives their right to participate.

Subject to the limitations stated in this Policy, both the Complainant and the Respondent have the same opportunity to have an advisor of their choice present during the hearing, at their own expense. The advisor, who may be an attorney, may privately consult with and advise the party but may not question witnesses, make statements, or otherwise directly participate in the proceedings. The Hearing Chair may remove or dismiss an advisor who becomes disruptive or who does not abide by the limitations on their participation.

All evidence each party wishes to be considered by the Hearing Panel should have been presented to the Investigator during the investigation process. If evidence was not provided to the Investigator during the investigation process, then presentation of such evidence during the hearing is at the discretion of the Hearing Chair, but generally will only be allowed based on new information not known during the investigation process. Further, all materials that the Investigator, Complainant, or Respondent want the Hearing Panel to consider must be submitted to the Title IX Coordinator (or designee) at least four (4) business days prior to the hearing. The Title IX Coordinator (or designee) will provide the submitted materials to the Hearing Panel and make copies available for inspection by the Complainant and Respondent at least three (3) business days prior to the hearing, consistent with FERPA or other regulation

governing the disclosure of education records. Any materials submitted and/or discovered fewer than four (4) business days before the hearing may only be considered at the sole discretion of the Hearing Chair.

The Complainant and the Respondent have the right to present witnesses, subject to the discretion of the Hearing Chair. Each party must provide a list of potential hearing witnesses to the Title IX Coordinator (or designee) at least four (4) business days prior to the hearing. The Title IX Coordinator (or designee) will provide the witness list(s) to the Hearing Panel.

All questioning of parties is conducted through the Hearing Panel. A party does not have a right to question or cross examine another party directly. A party may recommend direct questions to be asked of another party by submitting them in writing to the Title IX Coordinator (or designee) three (3) calendar days prior to the hearing. The Title IX Coordinator (or designee) will provide them to the Hearing Panel. During the hearing, a party may also submit, in writing, questions to the Hearing Panel based on information presented during the hearing. The Hearing Chair, in his/her sole discretion, will determine the relevancy of all questions presented, and, if they are deemed relevant, the Hearing Panel may pose those questions to the other party. The Hearing Chair has discretion to alter the exact wording of any proposed question. Parties (but not advisors) may directly question non-party witnesses or provide proposed questions to the Hearing Panel. The Hearing Panel may also independently question the parties, witnesses, and/or Investigator to elicit relevant information.

The Complainant and Respondent may appear before the Hearing Panel if they wish and make an oral statement regarding the facts. Upon request, a party or witness may participate by telephone or videoconference from a different physical location or may request that a visual barrier be placed to limit the individual's exposure to other hearing participants. The Complainant and Respondent will not be in the hearing room together, unless both parties agree in writing. The party who is not before the Hearing Panel may have audio access to the hearing via telephone when the other party appears.

A Respondent, Complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room. The Title IX Coordinator will make an audio recording of the hearing to be kept on file in accordance with UAH's document retention policy. Reasonable care will be taken to create a quality audio recording and minimize technical problems; however, technical problems that result in no recording or an inaudible one will not be a valid argument for appeal.

At the conclusion of the hearing, the Hearing Chair will explain that the panel will deliberate to make a decision of responsibility based on preponderance of the evidence standard and sanctions, if warranted.

VI. NOTICE OF HEARING OUTCOME

Within five (5) business days of the conclusion of the Hearing, the University will provide a written Notice of Hearing Outcome to the Complainant and the Respondent concurrently. The Notice of Hearing Outcome will include the finding by the Hearing Panel as to whether there is a Title IX Policy violation, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. Where there is a finding of a Title IX Policy violation, the Respondent will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The Complainant will be informed of any sanctions and remedies that directly relate to the Respondent, including information about the Respondent's presence on campus (or in a shared

class or residence hall), that may help a Complainant make informed decisions or work with the University to eliminate Prohibited Conduct and prevent its recurrence.

The Notice of Hearing Outcome will also include information about the appeal process, including the available grounds for an appeal, the time frame for submitting an appeal, and the name of the VP for Student Affairs who will be assigned to review any appeal filed. If neither party seeks an appeal within five (5) business days of the issuance of the Notice of Outcome, any sanction(s) imposed by the Hearing Panel will take effect immediately.

VII. IMPOSITION OF SANCTIONS

The Title IX Policy prohibits a broad range of behaviors, which are serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free of Prohibited Conduct, the Title IX Policy provides the Investigator and Hearing Panel with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the alleged Prohibited Conduct on the Complainant and surrounding community, and accountability for the Respondent. The imposition of sanctions is designed to eliminate Prohibited Conduct under the Title IX Policy, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension from the University. In cases where neither party challenges the Investigator's determination of responsibility or recommended sanctions as outlined in the Final Investigation Report, the sanctions set forth therein will stand. In cases that are resolved through a Hearing Panel, the Hearing Panel is responsible for determining the appropriate sanction(s). In determining appropriate sanctions, both the Investigator or Hearing Panel may solicit information from the Complainant, the Respondent, and any other individual who can provide information relevant to a determination regarding potential sanctions.

In addition, the Investigator and the Hearing Panel shall consider the following factors:

- the nature of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the Respondent, including the Respondent's relevant prior discipline history;
- maintenance of a safe and respectful environment conducive to learning; and
- any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

The Investigator and the Hearing Panel may also consider restorative outcomes that allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant, and identify how to prevent or change the behavior.

VIII. REMEDIES

The Title IX Coordinator (or Designee) will identify long-term or permanent remedies to address the effects of the conduct on the Complainant, restore the Complainant's well-being, and maximize the Complainant's educational and employment opportunities. Such remedies should seek to restore to the Complainant, to the extent possible, all benefits and opportunities lost as a result of the Prohibited Conduct. The Title IX Coordinator will also identify remedies to address the effects of the conduct on the University community.

The Title IX Coordinator will consider the appropriateness of remedies, including Supportive Measures, on an ongoing basis to assure the well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any Supportive Measures or implementing additional measures tailored to achieve the goals of the Title IX Policy.

Many of the remedies that a Complainant might need after a finding of responsibility will have already been provided as Supportive Measures, including, but not limited to, academic accommodations, short term counseling, and housing arrangements. The Title IX Coordinator will, in all cases, consider whether there is a need for additional remedies. Additional remedies or supports may be included in the sanctions, such as reassignment or removal of the Respondent from a class or a dormitory.

IX. APPEALS PROCESS

A. Appeal of the Notice of Hearing Outcome

Following a hearing, both the Complainant and Respondent have a right to seek a review of the Notice of Hearing Outcome with regard to a finding of responsibility or nonresponsibility and/or the imposed sanctions.

Mere dissatisfaction with the Notice of Hearing Outcome is not a valid basis for appeal.

The Complainant's and Respondent's right to appeal the Notice of Hearing Outcome regarding a final determination of responsibility and/or the resulting sanction(s) are limited to:

- The existence of a procedural irregularity that materially affected the Hearing Panel's decision and/or recommended sanctions;
- The existence of new evidence that was not reasonably available at the time the determination regarding responsibility or sanctions was made that could affect the outcome;
- The Title IX Coordinator, Investigator, or Hearing Panel member(s) had a conflict of interest or bias that affected the outcome; and/or
- The University Hearing Panel's recommended sanctions are too severe or too lenient.

The appeal must be submitted in writing to the VP for Student Affairs within five (5) business days of the issuance of the Notice of Hearing Outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.

Each party will be given the opportunity to review the written appeal and respond to it in writing to the VP for Student Affairs. Any response by the opposing party must be submitted to the VP for Student Affairs within three (3) business days from being provided the appeal for review. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the Notice of Hearing Outcome will be presumed to have been decided reasonably and appropriately. Appeals are not intended to be a rehearing of the matter. The scope of the appeal will be limited only to the permissible grounds outlined above that have been accepted for review.

In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The VP for Student Affairs may speak to the Investigator, the Hearing Chair, or the parties, as appropriate. The VP for Student Affairs will defer to the original Hearing Panel, making changes to Hearing Panel's findings only where there is clear error.

If an appeal is granted, the VP for Student Affairs may remand the case to the Hearing Panel and provide instructions regarding the nature and extent of its reconsideration. The Hearing Panel will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Hearing Panel or the sanction(s) imposed by the Hearing Panel will be final and not subject to further appeal under the Title IX policy. Alternatively, the VP for Student Affairs may modify the Hearing Panel's decision and/or sanction in accordance with the Title IX Policy and these procedures. If the appeal is denied, the matter is closed, and the Hearing Panel's decision stands as final. The VP for Student Affairs will issue a written decision describing the result of the appeal and the rationale for the result. The appeal decision will be provided simultaneously to both parties no later than fifteen (15) business days after all written responses are received. The imposition of sanctions pursuant to a Notice of Hearing Outcome shall be stayed during an appeal under this Section.

B. Appeal of Sanctions when Respondent Accepts Responsibility

For cases of Acceptance of Responsibility, the Complainant and/or Respondent can only appeal based on the grounds that the sanction(s) imposed are either too severe or too lenient. Appeals must be submitted to the VP of Student Affairs or his or her designee. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following email delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party. The sanction review will ordinarily be a review of the Title IX summary report and any information submitted by the parties to the VP for Student Affairs. The VP for Student Affairs has the ability to sustain or modify the sanctions. The VP for Student Affairs will simultaneously notify the parties of the Appeal decision within fifteen (15) days of receipt of all written responses. The appeal decision is final.

X. ADDITIONAL CONSIDERATIONS

These resolution procedures are the exclusive means of resolving Reports alleging sex discrimination (non-harassment) by UAH students in violation of the Title IX Policy. To the extent there are any inconsistencies between these resolution procedures and other University grievance, complaint, or discipline procedures, these resolution procedures will control the resolution of Reports alleging sex discrimination (non-harassment) by UAH students in violation of the Title IX Policy.